

SAHYOG PUSTAK KUTEER TRUST

Forced Marriages

In

Bailadila

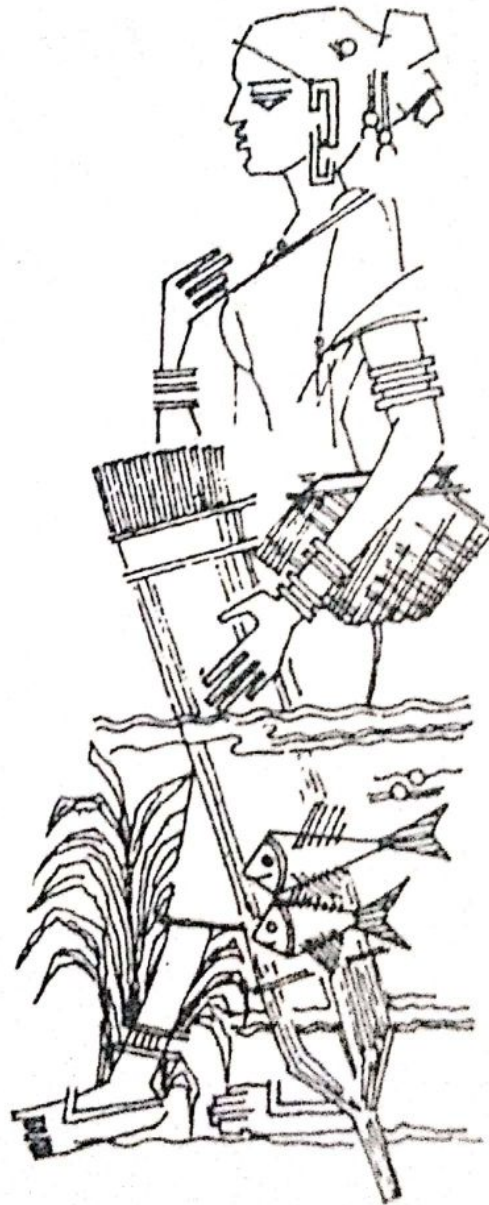
Dr. B.D.Sharma

Forced Marriages

In

Bailadila

Dedicated
to
The Loving Memories of



Ayati & Ayatis
with a lingering hope that Some Wounded
Bisons may still
REVOLT

Forced Marriages
In
Bailadila

Dr. B.D.Sharma

Sahyog Pustak Kuteer (Trust)

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Introduction

'Operation Development' is the current euphemism used by neo-imperialist capitalist powers for global plunder, pursued earlier under the banner of 'Mission Civilising the Barbarians', in due discharge of the solemn duty that destiny had ordained the White Man with. Shorn of the trivia and the fribble, the Operation or the Mission, as the case may be, generally comprises capture of the designated territory and clearing the same of all sorts of encumbrances. It may involve plain genocide, untinseled enslavement, forcible eviction or involuntary displacement under countless artifices including the so-called 'due processes under the laws of the land, ignoring, or brushing aside, or even invalidating the hoary traditional Systems; co-opting a few, if necessary, besides seducing, entrapping, or simply capturing the requisite numbers from the rubble, that comprised the vivacious community once, as hewers of wood and drawers of water for the grand new Regal Estates;

And last but not the least,

*Acquiring as household effects,
or things of play,*

*The prettiest nymphs
blooming in the wild,*

*To be thrown asunder
as unwanted waste,*

With wages of 'sin' in their arms.

The tribal India was largely spared this trauma during the British days. They had overabundant to *loot* for the horde let loose in the extensive Indo-Gangetic and other fabulous planes, where motley crowd of rulers, big and small, succumbed before their tiny but disciplined columns. There was nothing of much 'value' in comparison then, in the difficult terrains of the barbarian wild, with the added prospect of poisoned arrows being showered, and axes being hurled like bolts from the blue by the savage hordes - men, women and children- in defence of every inch of their territory. These areas were accordingly deemed to be excluded from regulations, which the rulers made for the British prov-

inces; exclusion was for the sake of form as an insignia of keeping myth of the imperial flag flying even in territories unconquered, christianised as excluded areas. The tribal people continued to live undisturbed and to manage all their affairs in accordance with their customs and tradition, notwithstanding the insidious intrusions described above.

But all changed after the dawn of independence. Everything was virtually lost so far as the tribals were concerned in the Great Assembly of the Wise convened to write the Book known as the Constitution, without even a mentionable meaningful debate about the implications for them of the new frame. Those who could speak did not know the reality and those who knew could not speak or did not understand the intricacies of the provisions, which were being adopted clause by clause and word by word, as also the significance of countless 'ifs' and ubiquitous 'buts'. Lo and behold! the community and its traditions had no place in that Book prepared by the Wise, notwithstanding the assurance that the hoary tradition of republic like system at the village level shall stand restored on the dot with the adoption of the Constitution, because it had been ostensibly enshrined in the same.

The situation has remained unchanged to this day. The Indian village continues to be in chains subservient to the System with no change in its imperial mould notwithstanding the change in the colour of the skin of rulers occupying the throne. This non-change is not even realised by the 'subject people' because they have been deceived into accepting it as natural and have been seduced to believe that freedom is equal to the piece of paper that is known as vote. They celebrate the change of guard, little realising that there is no real change and celebrate yet another change even as situation continues to deteriorate, just short of the final nose-dive to utter chaos.

The Parallel Planes

The adoption of the Constitution on November 26, 1949 thus, was ironically catastrophic for the tribal people. Their living tradition of self-governance, which had survived the savage British onslaught, melted away in the eyes of law, *de jure*, on the dot that day. It acquired the status of a living Ghost to be exorcised by the 'Wise Men from the East'

who started moving into these areas with the Message Divine of Democracy and Development. Ironically it all happened with best of intentions even in the case of Village India in general but particularly so in tribal areas and that too with a vital difference. The abrogation of tradition was insidious and a totally new experience for the simple tribal with no one to guide.

In the very same Book, however, there is a minuscule but radical Sheet entitled the Fifth Schedule. Its provisions could be invoked for meeting exigencies of sudden change and for taming the transition, solely guided by the will of the people. There is, however, a vital difference between the 'fiction' described as exclusion before independence and the 'reality' of Fifth Schedule after. In the former case, no regulation, or law of the Center or the Province covered the Excluded Areas until the Governor, through a notification, directed its extension as it was, or with such exceptions and modifications as he may direct to those areas or any part thereof. The Governor under the Fifth Schedule has similar powers but with a different perspective. All laws of the land, of the Center and the State, now automatically cover the Scheduled Areas. The Governor, however, can direct in his discretion that any law of the Center or the State shall not apply to the Scheduled Areas or any part thereof or shall apply there to with such exceptions and modifications as he may direct in the notification. Thus, the radical provisions of that Sheet in the Book have to be invoked by the designated *Diggajas*, the keepers of the Realm in their discretion, should they consider it necessary.

The greatest tragedy of the tribal people after independence has been that these *Diggajas* have remained in slumber, totally oblivious of their Constitutional duty. If ever, they are disturbed from that slumber, they get lost in the *Vaideha* puzzle of *yah sech ki woh sach* (Whether this is true or that?), that is, whether they have the powers or not, whether they can use the same in their discretion or not. And after a while, unable to wriggle out of that self-created puzzle, they go to slumber again with a placard at the door '*Do not Disturb*'. The laws can be made and unmade for these areas by the concerned Governors. But no one has cared about the same because what is happening on the ground is not even known in that 'motely crowd and countless coteries' operating therein

that have assumed the aura and the role of opinion-builders and decision-markers respectively, driven by invisible forces from behind the scene in this largest democracy of the World.

The biggest irony of this Great Democracy is that the people who are supposed to be sovereign and in whose name the laws of the land are made and unmade, are not even aware about the a, b, c, of that Grand Regime of Law which appears before them in demonic forms, as instrument of coercion, depredation and capture; whose obliteration by magic some day is the fondest imagery in the wild wild dreams of the simple folks. Those who swear by those laws and operate the System in the name of people are totally oblivious, nay, would not care less, about that living Ghost, the *swayambhu* community and the time-tested customs and hoary tradition. These customs and tradition comprise the moving spirit of community life and continue to sustain even to this day the ordinary people through thick and thin. *Thus, in our nation, we have the grand spectacle of coexistence of two non-intersecting parallel System planes par excellence, viz, the world of law unknown to the people and the real world of the people unknown to those who rule.*

One of the countless ugly scenes of encounter between these parallel planes, I happened to witness after I assumed the command of 'victor's army' on march in a remote region known as Bastar, as its Collector and District Magistrate (D.M.) way back in 1969. The former Ruler of Bastar, Praveer Chandra Bhanjdev, the symbol of aspirations of the tribal people, had been liquidated a couple of years back in a ghastly firing in his own palace where thousands of tribals had gathered to preempt that contingency and defend their 'Ruler' unto the end. I had little realisation about the reality on the ground in this fabled land of Marias and their *ghotuls*. Nevertheless I had a different perception about the people and the State, the Constitutional values and democratic norms, and particularly so about the role of ruler-servants of the people, known as public servants, who are answerable not to the people but to a complex System, comprising intertwined hierarchies and bewildering roles ostensibly operated by the nominees of the representatives of the Sovereign people.

'This Circular does not apply to this district' was the cryptic instant disposal of a Circular received from the Governor-General of India by the Magistrate of a district. This anecdote, which I happened to read in a celebrated book entitled 'The Men Who Ruled India' as a probationer in the I.A.S. at Metcalf House, Delhi, somehow lingered in my mind as a role model for a person supposed to be vested with authority of the State and also necessary discretion, while dealing with the common man in the situation of non-intersecting parallel planes. Such a perception can have serious implications no doubt with the possibility of gross misuse and blatant violation of tenets of formal democracy. But in a situation where all sins are committed strictly in accordance with procedures sanctified by the so-called laws of the land, there may be no other option for a person with qualms of conscience and sensitivity enough to perceive the reality from the people's end, but to reject that Great Truth of the System by which the Rulers ordinarily swear!

Amongst many a revelation, the most moving concerned '*Ayati of Kirandool waiting for Ganesh of Nagpur*' with a babe in arms, like a *pariah* in a hut, put up by her father in the backyard of what was her own home once. Her's was not a commercial or casual affair with Ganesh, nor a case of living together like that of the real liberated souls. There was a solemn exchange of words between them, which is what counts in the simple world of Ayatis and the essence of Muria marriage. Little did she realise, nor was she prepared to believe even after that debacle then, hoping against hope, that that solemn word they exchanged had no meaning in the world of the civilized, dedicated to countless letters, words and clauses scribbled on paper in forms infinite.

And it was not a question of one Ayati and one Ganesh, but Ayatis countless and Ganeshes galore in the glittering world of Bailadila, the Great. That the vital gap between the innocent faith and the articulate form, the non-intersecting parallel planes comprising the hoary tradition and fleeting laws, had to be filled, was my natural reaction. It had to be pursued in accordance with the eternal principles of natural justice and in due discharge of the sacred trust reposed by the State in me as the Magistrate of the District for protecting the childlike innocence of bewitching wilderness. The necessary rituals, meaningless *albeit*, including issue of certificates of marriage, were performed as a part of

a campaign launched for affirmation of simple rights, chastising the infidels and eradication of that evil haunting the valley. My immediate concern was to endow *the reality* of their marriages with the status of 'formal *reality*', acknowledged as *reality* in the world of Ganesh. This could not be a case of forced *marriage*, as was vicariously conveyed in the civilized world, which refuses to recognise what is really real, unless it acquires the requisite form. (*See-How Civil is the Civil Marriage*)

It was also necessary to ensure that the innocent nymphs are not enticed, allured, trapped or captured in future. Two obvious things were done in their regard. Firstly, an Order was issued prohibiting employment of unmarried girls below the age of 25 as domestic servants, without prior approval of a specially designated officer in that regard. Secondly, the community in disarray, in the face of that new challenge about which they knew next to nothing, was helped to regroup in their traditional mould with open declaration on behalf of the State that the administration shall stand with all its formal authority behind the Maha Panchayat, as the people decided to call the same. The living Ghost of the Wild, thus, assumed a form which could not be *ostracised* or wished away by the high priests of the new System. The innocent victims, thus acquired a familiar forum in which they could freely speak and in which others also could confide, because it was open both literally and in the real sense. There were no enclosures with guards on duty there; every one was equally welcome; there was no bewildering maze of laws or rules needing a Guide at every point; the laws of natural justice flowed freely in those gatherings like morning breeze as the most reliable guide.

Confluence of Cultures

Pursuing the course of *natural* justice for establishing the *natural* rights of the innocent in the *natural* setting of open assembly, in the quivering stretches of light and shade amidst the majestic mango groves was, however, simply blasphemous particularly for the non-rustic middle and upper crust of the new empire established in Bailadila to decimate those hills in the service of the nation by digging dolomite and its export. Blasphemous no doubt was the course of natural justice and the reason was simple. It would imply the collapse of the impregnable curtain of rules and laws, from behind which the Grand Operation Development is

planned and executed with the aura of destiny ordained. *How could the inheritors of the Raj like their predecessor Whites subject themselves to the jurisdiction of the 'native', the real uncivilized going about with nothing but a langoti on?* So the resurrection of Maha Panchayat in the traditional setting was described as a '*farce*', created by the Collector and his henchmen; the consensus proceedings 'conducted with wide publicity and also in the presence of general public, State Government Officers including their families, press reporters and police' were dubbed as '*forced*'. Accordingly, the perturbed Citizens of India, the then employees of Bailadila, appealed to God Almighty, the State, to save their souls from 'the deadly hands of antisocial and provincial minded lunatics'.

The commitment of those Citizens of India for *inquilab* with clarion calls of 'Workers of World Unite' reverberated that valley intermittently ever since the dawn of new civilisation in that dark continent. The challenge to this '*inquilab*', however, came one day from an unexpected quarter, the victims of that Great March. The *pekkis* who were in the front of a procession of wives of workers, reacting to stray remarks touching their sensitivity turned around and launched a counter attack. 'We, Muria *pekkis*, slave in your homes just for the leavings and *annas* four; Workers you all, the painted dolls, idling and gossiping all through the day.' There was no response from the other side because the *pekkis* were telling the bitter truth for once in the open. The *Diggajas* had remained silent at the plight of mere *pekkis* because according to their Scriptures that was the price of development that had to be borne by some. There was no other meaning of the Confluence of Cultures in the dictionary of even those Revolutionaries On The March.

The response of the Raj even to the vague references in long appeals by the real Citizens of India was swift and pointed, with call for immediate report, besides expressing in advance deep concern for the Citizen's honour. A detailed report was sent with a comprehensive frame outlining in detail the various issues such as implications of Confluence of Two Cultures and the so-called inevitable price of industrialisation with focus on its human dimension illustrated by the pathetic tales of seduction and capture, open and blatant. The Report in particular dwelt on the crucial issue of social protection for the 'fallen' and the 'untouchable' girls, with categorical position about the role of administration to work for

a lasting solution of the issues raised, by standing behind the community ravaged and sinned against and also the assurance to the keepers of the Realm that there was lot of good will all around with most of the decent people arraying themselves on the *pekkis* side isolating the real culprits. *It was, however, unequivocally asserted that 'I am convinced that if the administration is not able to protect even the homes of simple tribal people, it has no meaning, it has no legitimacy.'*

The moving tales and nature of confluence in that speaking Report, however, had no meaning for the *Babus* in the citadels of power, both in the State and at the Center known as the Government. Unconcerned remained they even about the vital facts that it was the duty of the State to provide effective protection to those children of nature even according to the Book of the Wise, allegiance to which they all swear, and also that the *Diggajas* in the System had been endowed with draconian powers by the same Book to make or unmake the laws and the rules and take any action as may be deemed necessary to achieve that solemn goal. Not a word, even by way of allusion, was received from the so-called Government on the vital issues of governance and managing the crucial transition, which had been forced on the simple people by the State itself, with no reference, let alone consideration, about the implications for the unsuspecting innocent people.

The department which was 'in charge of specially confidential important matters' was nevertheless perturbed by the trivia-vital, such as impropriety of cyclostyling the Report sent to the department, non-mention of Section 144 in the Order which I had passed and not meeting the specific points raised in the complaints which had been received from the Colossus, the Government at the Center. The minions were ostensibly shaken by the open proceedings of the people's assembly and even vague apprehensions of the Citizens of India such as 'I have every reason to believe that State Government officials have decided to falsely incriminate me in any of the criminal changes and I am sure that the local administration may arrange to cause physical injury, assault etc. through their *gundas* and *adivasis* instigated by them...'

And the Break

Heaven appears to have fallen for the minions by the mere expression of my surprise in my reply to the Government about the way

queries were being address by it to a District Magistrate on the expression of mere apprehension about some wrongful or illegal action, that too directly or at the behest of the D.M. himself and also my assertion that 'Every Orders of the District Magistrate is for protection of the Rule of law and so long as his Order is in vogue, it is legal'. My reminding the Government paramount that '*any opinion of a person, a department and even the Government about the Order passed by the District Magistrate or any action taken by him, has no value unless the same is under powers exercised under the provisions of the Criminal Procedure Code*' was obviously the last straw!.

Differences on yet another front with the Government, about the way I was handling another fraud known as *Kanthiwala Baba*, which had electoral implications, resulted in my transfer from the district. Curtain was, therefore, drawn on the proceedings which the *Babus* had planned for taming the rebellious nominee of the State to the district. The possibility of open confrontation also waned once I was out of the scene with no prospect of further mischief. The impact of my action continued for about a decade.

'Normalcy,' as perceived by hordes of adventures and fortune seeker, was gradually restored. My proposal to make Regulations under the Fifth Schedule, simulating the social and administrative action taken by me, which were deemed to be errant, were conveniently lost in the great jungle of paper-files, the most rational solution of all inconvenient questions likely to prick the conscience of *Diggajas*, the Great, not to be disturbed from the their Slumber Royal.

The Global Village

I have decided to retell the story and recapitulate the Crisis of Confluence after thirty long years for two reasons. *Firstly* it relates to an era when equity and justice, particularly deep concern for simple people like the tribals, were still on the national agenda at least for the sake of form. The tribal areas had not been opened up for free capital investment. Public Sector Enterprises, which moved in in pursuance of that policy, were supposed to abide by Constitutional norms. They were also subject to State's direction. Odd administrators with conscience could afford to act in their discretion in keeping with the egalitarian

principles with little chance of being rebutted in the open. However, notwithstanding all this good will for the people and Constitutional provisions, when it came to the heart of the matter even in such a humane issue as described here, the Rulers guided by the *Babus*, all imperialists to the core in their respective roles, refused to relent. On the contrary, they mounted counter attack, the moment slightest deviance appeared, They succeed in course of time in burying the basic human concerns which may have been brought to the fore.

The climate in the last three decades has totally changed with the onset of globalisation and liberalisation. The State ostensibly representing 'We, the People of India', has accepted unabashedly a subservient role in relation to the so-called free market economy. The Loyal Guards of Market are gallantly committed to protect the holy contracts and all other interests at any cost whatsoever. There are no rules to guide in this Crusade, but the Inviolable Rule of Profit. Even the newly formed States of Jharkhand and Chhattisgarh, supposed to be the Citadels of tribal interests, with rich resources and so-called poor people, are shy of even alluding to the inconvenient fact in their glossy Vision Extravaganza that there are Scheduled Area therein.

The tribal areas in the Central India, in particular, have accordingly been thrown open for investment of all descriptions, *deshi* or *videshi*, and for activities of all varieties including the so-called tourism, eco and cultural, which the world over, to cap it all, is euphemism for 'trade in flesh'. In this milieu countless Bailadilas with thousandfold misery are bound to be mushroom. Will some really sensitive souls care to stop and ponder even for a while about the human tragedy narrated in these pages and its implications for the simple people who will be caught in a much bigger whirl now, in the name of Development in the 'Global' Village?

The second reason for this presentation is that even this appeal of mine to sensitive souls would have had no meaning but for an equally vital development in the Scheduled Area, which has occurred in the mean time. I was convinced from my Bastar days that it is the community and the community alone, which can rise to the occasion and meet the challenge of the worst crisis in the history of tribal people, which they are facing on all fronts, social, economic and political. *Until that Constitutional damnation of the community by excluding the community, and its tradi-*

tion from the legal frame, and superimposition of all colonial laws as they were on the simple people, is undone, no measure by the State, including ephemeral interventions by odd sensitive soldiers of the Regime, can save the situation for the people.

The natural right of the community to defend itself against all intrusions can be realised only in a System built on the firm foundation of two other natural rights of the community, that is, (i) right to manage all its affairs according to its customs and tradition, and (ii) right to command over natural resources in the habitat from which the members of the community derive their sustenance. The simple but the most radical change, in keeping with these basic premises, have been effected in our Constitution in relation to the Scheduled Areas with the enactment of Provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996. Now the community is competent not only to manage all its affairs in accordance with its customs and tradition but also to protect and preserve its cultural identity.

It may be underlined here that in a true democracy there is no question of endowment of powers on any body which, comprises the sovereign people themselves, as has been mistakenly provided for in the Constitution and all Panchayat Raj Laws of this country in relation to the Gram Sabha. This mistake has been corrected in the Scheduled Areas by acknowledging the competence of the Gram Sabha to manage all its affairs. Accordingly, in the changed setting now, the Charter of Authority, which was adopted in 1971, by the Adivasi Maha Panchayat in exercise of its natural right for meeting the crisis faced by the community around Bailadila, and was vehemently opposed by the derelict elite, can no longer be questioned, because that Charter now is a part of the Constitutional mandate, addressed to the community in its formal *avatar* as Gram Sabha. The real task before all sensitive persons including administrators, social workers and political leaders is to convey this vital message, which is the very essence of democratic polity, to people at large in tribal tracts and provide necessary help to enable the community at the village level to internalise that message. The task in the tribal areas is comparatively simple because self-governance is deep-seated unexpressed yearning of the simple people there, for which they have been struggling instinctively for centuries in *various forms*.

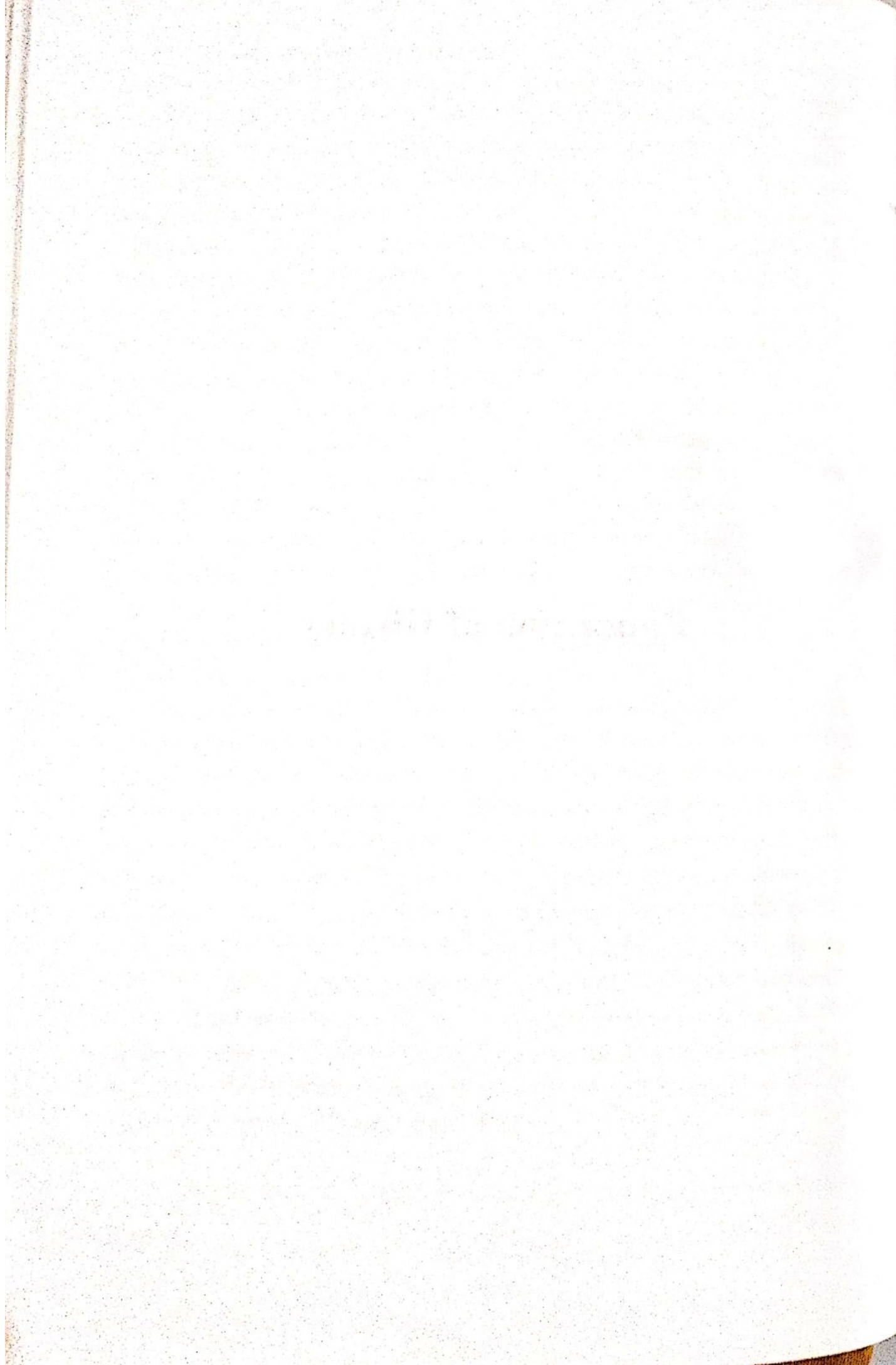
One of the great ironies of history is that this most radical law of the 20th Century enacted belatedly after half a century of avoidable distress and misery of the innocent people of the woods, has come at a time when we are witnessing the high tide of a process which is antipodal, viz, the grand phenomenon of the global assertion and consolidation of neo-imperialist capitalist forces under the garb of globalisation and liberalisation. The tribal areas with their fabulous natural resources are their main target. The Constitutional provisions for the Scheduled Areas in general and the new provisions concerning tribal self-rule in particular are the biggest irritant in the national polity which is rather unexpressed at the moment. It cannot but be a matter of deep regret that no political party and even the so-called civil society organization, barring few honourable exceptions, has faith in the village-community, even though they may accept radical premises in that regard for the sake of form. In any case, the issues before the tribal people are clear. The true democratic values are nonnegotiable. They comprise intrinsic endowments of tribal culture and identity. Unless the people who subsist on natural resources dig in and fight back, here and now, their resources are destined to be captured by the capitalist vultures, rendering the people totally resourceless.

The most ignoble, concomitant of this insidious attack is commodatisation of every thing in the new World Economic Order including the human person and honour itself. In this milieu innocent nymphs from communities under attack shall be enticed, lured, simply captured, or even exported, as the case may be. This market-driven process ironically may also be accepted by the community itself as natural and inevitable, unwillingly and unwittingly though, as happened in Bailadila. More than 50 thousand girls from Jharkhand are working in Delhi without any worthwhile reaction by the community. I hope this narration of Bailadila will evoke serious this crucial issue of honour in the Gram Sabhas and help the tribal people in finding a way for negotiating the transition on their own terms. Hence forth, there shall be no trading off in any form of their honour for mere leavings and annas four.

Shaheed Divas
Allahabad

Dr. B.D.Sharma
23-03-2003

Panorama of History



A little world of simple people-
brimming with mirth and happiness
playing, singing, dancing
with the rhythm of nature.

Fond is she
of her innocent children,
providing at will
Their limited needs.

There is no hustle;
there is no hurry;
there is no worry either
for the morrow.

Simple are the rules
of their society
which everyone knows,
imbibes and practices,
as toddlers through adolescence
in the 'Kingdom of the Youth'.

Individual and community,
two facets of the same Reality!
duties everyone has
as a member of the community.

The Community lives on,
comprising transient individuals,
contributing to its well-being
through their cooperative endeavor
in perfect harmony.

Rights flow naturally,
not as individuals though,
but as members of community;

Differences and disputes
also arise,
infrequently but;
And discussed and debated
in the open they are ,
where everyone has
an equal say.

Consensus they reach,
for unmutilated are facts;
simple are their rules
not mystified so far.

Just are their decisions
pronounced by the elders,
and obeyed instinctively.
Threat of excommunication,
the most severe of all punishments
contains effectively the deviant.

Self-managed is thus,
their System and
nearly self- contained
their Economy.

This is the idyllic world in which perhaps all communities lived in their history; some communities continue to live thus even to our own days. In the modern system of large Nation-States individual's life- economic and social, political and religious- is fragmented comprising innumerable packets, small and still more small. Each of those bits is managed by an organisation specially designed, formal and impersonal. They are all joined together with invisible links, moving up and up, reaching dizzy heights beyond the comprehension of the individual, all arranged in layers serially ordered, one above the other. This complex world is a long way off from those early days. In fact, they are two entirely different worlds having their own values, having their own mores, having their distinctive ways of living itself.

This differentiation is end-product of a long process in history. Some people moved faster, many moved with slower pace, while some appear to have been caught at some niche in this long sojourn. Nevertheless, there was enough place on this globe for all of them to live together in their own ways. They experienced new challenges and responded to them positively, they learnt from each other's experiences and each work presents a new synthesis in its inimitable mould. There were occasional traumatic experiences as well eliminating some and changing others in unrecognizable ways.

The exception appears to have become a rule with emergence of the Nation-State and the new formal System acquiring tremendous power in the wake of technological breakthroughs in production, communication, artifacts of coercion, crude and subtle. The new system is proud of its achievements, assured about its righteousness and indubitable about its historical role. It is moving on with a torrential force destroying all that falls in its way, breaking systems which may have been rendered weak at a vital point during the current critical phase in their history, turning them into rubble and forcing their proud members into positions incongruous. Their situation is reminiscent of the fate of the vanquished in the barbaric onslaughts of early days with a change of form, sophisticated and subtle, hallowed by the mystique of history, progress and development.

'Progress' is a reality. It cannot be denied. Man has acquired near mastery over nature. But that position has been misused. The ruthless exploitation and disregard of the criticality of harmony, not only for sustainable growth but also for the very survival of the man, appear to have brought him to a precipice. There is a growing realization about this situation, but there is no effective counter-check so far. The world economy with the aid of new technology has created a potential, which can relieve the man from drudgery and raw struggle for existence. It can also yield sufficient leisure for all, which can provide the base for a culture life, fulfilling the dreams of great thinkers of all times.

This potential, however, is not being utilized in the best interest of humanity. The new-found power is being used in the nefarious struggles of man against man. Moreover, the System has become sac-

rosanct. The man is being ground in the form of a cog in that Grand Machine. All individuals have assigned roles. The System provides for them according to the roles they play. He is no longer burdened with any obligation or responsibility in relation to his neighbours, being assured about the rationality of the System as also its infallibility. Everyone has rights guaranteed by the System, which can be claimed if need be, which can be enforced if the claim is duly established. This is an ideal; an ideal of formal relationships in which finally everyone may be equal, every individual may be assigned a role according to his capability and each individual may draw accordingly to his needs. But at the moment there is struggle, continuing struggle for commanding positions in the System for bettering the individual claim, unmindful of claims of others. Because others are in no position to establish, nay, they unable even to appreciate the true nature of the System itself, let alone their claims. As the System moves, gains of misappropriation by a few are getting amassed at one end while deprivation and destitution for the vast majority are the stark reality at the other.

A unique character of Indian civilization has been the acceptance of plurality in all walks of life, assigning equal merit to each. This harmony was possible because the small village community has been the pivot of Indian society. While these small 'republics' managed their own affairs, the higher formations had always only a secondary role to play in the day-to-day life of the people. The situation changed drastically with the advent of the British rule in India. Formally all authority got vested in an alien institution of the British Crown, which was exercised on the spot by its representatives as individuals, or institutions. The consolidation of the new System heralded the collapse of the community in the village. It could claim no authority from the people since they were not sovereign. As the new institutions increased in number and extended their jurisdiction, the traditional authority already disinherited *de jure* was stripped of all its powers, bit by bit, *de facto*.

The transfer of power on the eve of independence did not change this situation. Sovereignty no doubt vests with the people, but now there is a qualitative system change. The institutions, which exercise this sovereignty on his behalf as his representatives or otherwise, are not within his reach, are not even within his comprehension; they are a

part of a complex System with a bevy of organizations and institutions who wield the real authority in an ever-increasing sphere covering different facets of individual's life. They are consolidating their hold notwithstanding acceptance of democratic decentralization as a guiding principle of Indian polity. Our nation today stands divided- those who have legitimatised their claims in the System and can be said to belong to the System Proper, *the Inheritors*. It is an irony that vast masses who are unorganised, with not even a reference frame after the collapse of the village community, remain at the periphery. They are subject to subtle processes of deprivation and destitution through the operation of the very System whose legitimacy rests on their sovereign power. They are disinherited. The end of this process, which started about two centuries back, is not in sight.

The Children of Nature

Some people in India living in the hills and forests were spared the operation of the full logic of the British rule in India. They have been variously designated and now are known as the Scheduled Tribes, and the areas in which they live are known as tribal areas. Even though there are many differences in the pattern of administration evolved for these areas scattered throughout the country, the administration was generally light. The autonomy of the village community in the North Eastern hills remained intact, except for acceptance of formal sovereignty of the British. In the middle India, the situation remained ambivalent. Their authority over natural resources weakened as the State staked its claim and the administration consolidated its hold. The general legal frame of the country was also extended as it was as a matter of routine, though in principle it was accepted that it may be done selectively and with due caution. The interpersonal relationships, usually the jurisdiction of the civil law, however, continued to be governed by the community in accordance with their traditions, and were kept outside the purview of the new System. Inaccessibility and the general milieu in favour of light administration, even in areas which formally came under the jurisdiction of new System, further helped the village community in retaining its vitality and elements of self-governance to a considerable extent even in the middle Indian tribal areas.

The situation after Independence, however, has been changing at a very fast pace. Most of the tribal areas have rich natural resources and are being opened up as a part of the general scheme of national development. The sinews of administrative organizations- revenue, forest, police and judiciary and a variety of economic institutions, are penetrating these areas and consolidating their hold. The two Systems, viz, the larger national System and the small world of the tribal community, are facing each other in a context which is bewildering for the tribal who is unaware about its mores and values. His own mores and ways are no longer 'valid' in the larger frame wielding so much power and authority as to render those of his to almost a nullity.

This is an unprecedented phase transition in their long history of self-governance, incomparable with that experienced by the village community in the rest of the country. The quality of impact of such a transition on a community depends on its specific socioeconomic conditions and also geographical location. It is soft and mellow in the case of comparatively advanced communities and also those who live in more inaccessible areas. The transition becomes traumatic for those who are still living at earlier stages of development and are suddenly exposed to new forces. The communities living in the vicinity of big mining and industrial complexes established in remote tribal regions of middle India in the last few decades have been subjected to such server conditions of transition. Bailadila Iron Ore Mines established in the early 60s in South Bastar of Madhya Pradesh was one such spot where the people were caught unawares in the whirl of bewildering change.

Murias of Bastar

The Bailadila ranges in South Bastar were known to have one of the richest iron ore deposits in the world. They lie in the heartland of the Murias, one of the most volatile, untamed children of nature living in small hamlets scattered in the rich virgin forests of valuable teak and *sal*. They have been practicing shifting cultivation, notwithstanding the fact that it was made illegal as early as 1908 against which they had risen in revolt (*Bhumkal*) which, however, was subdued. The long arm of administration had not reached this area till about the fifties, the nearest outpost being Dantewada, a small *tehsil* town, the seat of the ruling

deity of Bastar, the Goddess Danteshawari. In the idyllic natural setting of the region, these people enjoyed a life evoking envy of many a group. This undiluted stock of people is known for their robust health and well-proportioned bodies. Their measurements could be tallied with ideal figures in the text books of anatomy. They were moving about freely like breeze, unaware about the mores of the civilized man about covering the body, except for a narrow strip of cloth along their waist, singing, dancing, playing, these children of nature.

And the decision to mine these sacred homes of their gods for laying the foundation of Industrial India in the early 50s initiated a process which has uprooted this community; dazed were they, unaware about their destiny. A new railway line was commissioned joining Kirandool, the village at the foot of these hills, with the distant Vishakhapatam, the port-town on bay of Bengal in the east. The village road terminating at Dantewada was upgraded as a state highway and extended along the railway line. The Muria was lured to work on the rails and roads by persuasion and even offer of drinks, since money had no value and he could not be yoked otherwise. Only small strips of land were taken for this purpose, which was done without his consent, but he did not mind. Then came the flood of men and machines. Townships appeared almost overnight. Before he could realise what was happening, his fields were gone. His hamlets pushed back, for he had no record to prove that he was the 'owner' of the property. He had lived in these hills and forests from time immemorial as he had learnt from his forefathers through songs which he sang in praise of *Metamai*, *Bhuidai* and innumerable other deities of those hills, those forests and those lands. The moving finger wrote on and on. Continuous was the roar of Big Machines, occasionally punctuated by deafening blasts, convincing realization of their insignificance and the tremendous power wielded by the hand behind that Machine. His small voice was lost in the great turmoil that filled those valleys.

Kirandool - The Vanishing Village and Flourishing Town

One evening in the winter of 1969. The playful youth of village Kirandool had collected around the fire set up for me in the hurriedly cleared ground of the dilapidated thanagudi, a thatched hut maintained outside the village for occasional or even rare visits of government

officials. As the new township of Kirandool sprang up some 3 kms away, with its rest houses and an international guest house, the people could be summoned there, dispensing with the need of spending the night under a thatched roof. In the bargain, the opportunity of that informal communication is lost, which was made possible by flowing breeze through the openings in the thatch, and peeping eyes first with some hesitation, feeling their way till the realization dawns that the official is also just like them with peculiar habits though! Silent are the passive listeners, nodding their heads in appreciation of words, rarely understood, from the authorities that be, surrounded by the 'field' of their own, in an unfamiliar setting.

Hilarious laughter filled the air in response to my query to a handsome youth, 'Karma, when are you going to get married?' In the background of moonlit night, near a big mango tree, were dancing the village belles alone since boys had collected around me in the *thanagudi*. 'Why don't you go and join them, select your partner as well.' "Who will marry me?" said that young man with a sigh! "Why, you are so handsome, one in a hundred; who will refuse your proposal?" "There is no one to propose in this village. They have all gone away to *Bangali, Madrasi, Punjabi, Nepali*'.

Those girls had finished their dance and were passing in a row near the *thanagudi* all but one in their traditional attire. 'Who is this lady with a *sari*, a teacher or a midwife?' "She is Ayati, the daughter of Mukhiya. She had married a *Maratha*, who has left her and now she is back in the village'.

'There is no one to propose, who will accept me', filled the air of that *thanagudi*, even after they all dispersed in the dead of that night.

The Outcast

I visited Ayati in the morning. She was living in her father's compound in a small hut specially prepared for her, adjoining but separated from the main dwelling. According to the custom of the community, having married a person outside the community, she was an 'out-cast'. No one would accept water or food from her hands. This was a new experience for the community; till the other day nobody could dare cast an evil eye on a Muria girl, for the execution of extreme

penalty of death and of burning the house of guilty was the duty of the youth, sanctified by their tradition, which had no scope for any exception whatsoever. Alas! that one exception which was fresh in their minds, made all the difference.

That Great Fall

It was some time in early seventies. An officer of the new establishment had lured the daughter of the Chief to live with him. The news spread like wild fire. The enraged youth with their bows and axes, big and small, surrounded the house. They were determined to burn it down with the guilty inside. Terror reigned the locality for quite some time. All organizations established in an unfamiliar area in the beginning feel the need of keeping persons having good rapport with the people. It is all the more necessary in areas where language is different, customs are different and the social system itself is entirely different. An officer on Special Duty (OSD), who had spent long time as the sub-Divisional Officer of Dantewada, had been inducted in the Corporation and posted locally. On hearing about the siege, he rushed to the spot. As he appeared on the scene, there was hushed silence all round. He could enter the house through the frenzied crowd with ease and equanimity for many had known him and his authority reasonably well. 'The reaction is natural, the consequences inevitable', he concluded after narrating in brief the custom of the wild. "You must accept what comes with equanimity", so he advised his guilty Chief. Nevertheless he could try, using the goodwill he had earned and playing upon their psychology with he understood well through his long association. The risk was worth taking, for there was no other way out from that fiery noose tightening slowly but surely.

A scheme was made accordingly. Ranjan, the OSD, went out and engaged Magru the leader of the siege in a discussion in his language. As the attention of the crowd was diverted, the guilty Chief sprang from the door, straight on to the head of the ring, lay prostrate before him uttering no word. A young man pounced with axe in hand, but was stopped by Ranjan on the pretext, that 'he has surrendered, he is in your hands and could be executed at will' He is also a man like anyone else with all his faults, now at their mercy, surrendering com-

pletely and submitting unconditionally to their wise judgment. Again the silence broke with a pause, 'what would you have done if he was one of you?' Persuasive pleadings by the one, who knew both sides well finally calmed the Elders, though the young were still restive.

They accepted the plea and agreed to proceed against him according to their tradition, as if he was one of them, little realizing the real issues involved in mixing the values and norms of unequal, incomparable and incompatible. Excommunication in a closed society is the most dreaded of all penalties since a person has no place anywhere in the wide world outside the little world which he knows. An outsider cannot be excommunicated. Monetary fine in a non-monetised economy with heavily loaded equations against them and no tradition or enthusiasm for cash earnings, was another serious penalty, imposed in grave offenses. Even a couple of rupees could be collected in that economy after slogging for a full agricultural season or more. Kori, or twenty, is their highest unit and *kori-kori* or twenty times twenty or just four hundred was beyond their wildest imagination. A unanimous verdict of a fine of *kori-kori* was passed, which was accepted and something more, even a grand feast as penalty. Everyone was happy. But this was the Last Act in the drama of their free life, unhabituated by inner contradictions and untrampled by external intrusions. The proud community unwittingly had bargained its honour for a few pieces of paper which the new group entering their area could easily dispense. The corner-stone of their impregnable defense-wall had shaken, and its final collapse was only a matter of time.

Ayati

There was nothing wrong in the eyes of those who believed -development as inevitable historical process in which some people may have to pay the price. There was nothing wrong in the eyes of law since living together of two adults was their personal affair. If the community also acquiesced, even though under unusual circumstances without full conviction, the matter should better be forgotten so far as the administration is concerned. This facet of life in those hills and dales got forgotten by the administration and the intellectuals alike. And everything appeared to be normal even to me until Ayati related her

tale which gave an inkling of the great tragedy engulfing countless innocent and unsuspecting girls of that ferocious community rendered helpless and rudderless in the face of this new challenge.

Ayati had a daughter from Ganesh, about 3 years old. She brought out a letter carefully preserved written by Ganesh soon after he left for his place, Nagpur, promising that he would be coming soon to join her and she need not worry. Days passed into months and it was now more than 2 years. Nothing more was known to her about him as if "Ganesh of Nagpur" was a good enough identity like "Ayati of Kirandool village". She went to work on the road along with other girls of the village when she was just fifteen and Ganesh was the man supervising the work. The simple acquaintance gradually developed into intimacy and one day she did not return to her home. Ganesh loved her intensely. He had told her that they had exchanged the solemn promise that had no other woman in life. They would live together till the end. He would offer a handful of earth as the last rite if she were dead earlier and she would do the same if the destiny was the other way round. He also agreed to give a feast to the village community as a token of their final acceptance of their relationship as man and wife. They lived happily together for two long years until he was required to go to his home for settling some family problems. He did so with a promise to return within a fortnight. And he never returned.

There were thirteen such girls in that small hamlet of twenty huts. Ayati was hoping against hope. Her moving eyes and quivering voice were inquisitive to know whether the *Baria Sahib* (Collector) could do something in the matter. "How to reach Ganesh in Nagpur"? was a difficult question and impossible to explain. Some empty words of assurance, lest even her fond but false hope itself was extinguished, I uttered mechanically and returned to *thanagudi* with innumerable questions about Ayati and her home, about the community and its dreams, about the country and its plans, swirling in my uneasy self.

Ayatis

What could be the extent of this problem?, was the first question before me. That it could not be insignificant, was quite obvious; as many as 13 out of 20 households were affected in this small hamlet

itself. The local officials sensing the interest aroused in me began to narrate many a story from the entire neighbourhood. A proforma was drawn up and the *patwaries* were asked to visit all hamlets within an area of 20 kms. in a fortnight's time and report about the girls who may be living with outsiders or may have been deserted by them, or who may be just missing from the village leaving no trace behind. The *patwaries* did a perfect job, as is characteristic of their kind. They produced a tally of 526 in all, a staggering figure by any standards.

This was crucial, though the simplest step. The more difficult and intricate questions related to the real nature of the issue, the feelings of the girls involved as also the community at large, and finally the reasonable way out for those already involved and norms for the future. Unless there was clarity about the central issue, no worthwhile further action could be visualized. All actors in the drama had their own perceptions, prejudices and interests.

Some points were clear from the very beginning. The tribal girl, like her counterpart in all other societies, was guided by the norms of her own community with regard to selecting a mate. The boys and the girls amongst Murias have full freedom of choice within the community but it should be outside their respective lineages. There are certain preferred relationships as also some prior claims, for example to the hand of the sister's daughter for the younger brother or an eligible son. Nevertheless, the consent of the girl is a must. Nothing can be done against her will. In marriages not arranged by their family, which are quit frequent, the words exchanged between the boy and the girl, with no witness what so ever, is solemn (*see Annexure: How Civil is the Civil Marriage?*). Their decision to live together building a hut for themselves, is the final, in a way formal declaration before the community, which is accepted in good grace by all concerned. The conventional feast can be arranged by them according to their circumstances at any time, earlier the better, but not later than the marriage of their first child. There are no condemnations; there is no stigma. Even arranged marriages are quite simple.

The bridegroom's party, however, is obliged to pay the traditional bride price in the form of cattle, grains or some cash. If circumstances do not permit, the boy can also serve in lieu of the bride price

and claim the girl's hand thereafter. Like marriage, the rules for separation and divorce are also simple. The girl can return to her father's house if the marriage is not happy. However, if she wishes to remarry, a formal divorce has to be obtained from the *panchayat*. A person can claim the hand of a married woman only after divorce and compensating the former husband for the marriage expenses and entertaining the community with a feast. Thus, matrimonial alliance is not unbreakable and rigid. But unbreakable is the frame governing those relationships defining permissible groups for selecting spouses, sanctified by tradition. Inviolable is the line drawn around the community under the dreadful shadow of extreme penalty for its transgression imposed by the group on the girl and the guilty alike.

This line was no longer inviolable. A new convention had been established in which the family was reconciled to accept the bride price and the community a feast from a person not belonging to their tribe. As time passed even this became a goodwill gesture rather than an obligation, as the new alliances were made outside their villages beyond the pail of any sanction of the traditional authority. In the end, all professed refinements of so-called custom wore away; and nothing but a few crumbs were thrown by some, taking pity for those who roam these woods with almost nothing on their bodies for sheer survival, hunting and gathering. There was no obligation towards the girl either, who could be left at will with no place to return, lost in the humming township forsaken, satisfied with leftover offering her flesh for a morsel of food for the hungry child and also the self. A Muria girl came to be regarded as an 'outfit' over to the successor at a depreciated price, in any number. An outraged Parliamentary Committee reported thus. But the issue must have got buried in a file since there was nothing new, being a part of the process. And ostensibly, no law of the land was infringed to be concerned about, which had been sanctified by the wise-men of the West and also their Inheritors.

Word & Form

If we clear all cobwebs of laws, rules, rituals and rationalisations, the new situation can be summed up in terms of the diverse perceptions of the girl and the man. The girl believed in the solemn word

given by the man before she accepted the new relationship. She had no other experience to go by. The living-together after a solemn word was the perfect marriage of her dreams. The perception of the man was altogether different. The word was given perhaps in a moment of passion, perhaps as a solace to the girl, perhaps without any content whatsoever, perhaps simply to contrive at best a temporary alliance. That was a mere living together in the absence of a solemn ceremony according to any of the religious faiths, or even as a contract under civil law. Thus, he had no obligation under the law; he was outside the reach of those communities who had no interest any longer in her, deemed to have been lost and forgotten in the motley crowd of the strange new world. This was an ordinary affair, not serious enough to attract attention of anyone amongst the Victors, high or low. That is not all. 'They have no morals', they change even for paltry easy gain', 'these greedy wretched whores, Beware!', are just some of the sample verdicts of people, who claim to be civilized, in the dazzling lights of that new powerful Industrial world that was Bailadila,

Issues in the Open

I had only a partial glimpse of the young about the new world in Kirandool. It was necessary to bring the issue in the open and have a complete picture about their side of the story. A meeting was convened of the head men of all villages in the surrounding area, summoning some of the girls and their alien spouses to appear before this Assembly of Elders on appointed day. The news spread like wild fire. Hundreds of tribals, men and women, besides the headmen, gathered from early in the morning. The response from the other side was of studied caution with only fifteen out of a hundred couples showing up at the given time. It suited us since it gave us sufficient time for preliminary deliberations and initial dialogue with all concerned. The headmen represented a cross-section of opinion from a large area. The views varied widely, depending on the extent of their exposure to the radiations from the new center as also their individual sensitivity tickled by their personal experiences. The pride of the legendary Murias known for their poisoned arrows, deadly *tongia* (axe) and blind fury of the organized youth through the length and breadth of that country

was simply uncontainable. Many would prefer not to hear any more of those girls responsible for their humiliation. They had taken them for dead and forgotten. 'Is there still some way to settle their scores with 'Sahib-scoundrels' in their traditional way?' was the question uppermost in some youthful groups.

Questions were raised about the propriety in allowing girls like Ayati back in the village, even though living apart socially segregated. There was no question of sympathy for them, for they had transgressed that inviolable Muria line and they were a living shame for the whole Muria tribe. They should thank their stars that they have not been cut into pieces and thrown to the wild beasts in the nearby forest. They did not care for the community's honour; they did not bother about their family traditions and for their parent's commitments; they left their lovers behind without a moment's thought of those playful days! Why? Ours is a difficult life. They want comfort. We cannot afford powder, *lali*, and costly *saries* which only the *Babus* of Bailadila can provide. Why should she cry now when he has left? They deserve it every bit. They should not cast their evil shadow on our young ones, lest they also fall in the same trap. Their bitter indignation, deepened by their helplessness in the changed circumstances, was finding free expression for the first time.

Mangli on the Turn

Everyone had a say; the girl is to blame; condemned, forsaken and forlorn by her own people and also, by the man of her choice! Mangli had a different story to tell. One evening she was a few steps behind the group returning to the village after the day's work. A sharp turn on that winding road turned mercilessly the very journey of her life. By her side screamed a huge truck to a grinding halt; she ran into the jungle but was caught by the driver, put in the truck with her mouth tied. Next she found herself in a small room of the quarter of *Pardesi*, the driver. There was no one else in the house. She wept, wept and wept, but to no avail. *Pardesi* would go in the morning locking her back, return in the evening with sundry articles of daily use and gifts of all kinds. Promises he made for a lifelong happy relationship, but she could not reconcile.

After thirty days of this captive living, she got an opportunity one evening and slipped into the nearby jungle. She ran, ran and ran till she was sure of the bush near the rivulet she could recognize. Early morning she started her cautious journey through that jungle fearing more encounter with a stranger than the familiar wild beasts of her own land. That unending journey lasted the whole day of her tireless fleeting feet, without food or water, till she heard a familiar chatter from a distance. Oh! girls from her own village, returning from the jungle. She will be at her home, she will be with her friends at long last once again. She was on her wings now whirling the trees, jumping the shrubs like a deer. In no time she was in the arms of Sudari, her bosom friend sobbing, weeping, crying. After the storm, they forced some *pej* from the gourd and sat around, listening to the broken words, piecing together her tale of woes. With a heavy heart Sudari was consoling her with empty words, for she had something terrible to say.

Long shadow descended on the family when she did not return that evening. Her relations collected later and put them to shame, even charging her mother of connivance in the hope of future gains, breaking the promise to her brother the hand of her daughter for his son. Mangli's brother was enraged, who took the vow to cut her into pieces if she set her foot in the village again. She knew him well, her bones were chilled. Everything was different. She was all alone in this wide world, homeless, friendless, defenseless. Her friends had to leave after a while, helpless, with tears in their eyes. An aimless journey was ahead of her. She took shelter in the jungle again, this time hiding not from strangers but her own kin. On the road to Bailadila, she met *pardesi* man with grief, searching all around ever since she left. The journey ended in the 'prison-home' with the exchange of solemn words, never to part again.

Community on Trial

Mangli's tale provided an opportunity for steering the emotionally charged deliberations of the Panchayat. I picked up the tread of her story and asked the assembly to recount dispassionately where that girl had erred. She had gone to Bailadila, in a playful mood with her friends, unaware about the possible dangers. If a child catches fire and burns its fingers, it is the mother, not the child, who is to blame for

carelessness. The Elders of the village should have known better, when they allowed their young boys and girls to go out to Bailadila for work. They should have taken precautionary measures. It is not one Mangli who did not return to the village; there are hundreds and hundreds of them who disappeared in that mysterious township. It is conceded that some of them may have been lured by its glitter or dazed by its dazzle. But it is also true that many were forced against their will, they struggled hard like Mangli, struggled hard to escape, but had to reconcile to their fate, being unwanted in the family and community.

Touching their Muria sensitivity softly, I asked 'why should they have penalised such innocent girls and not take reprisal against the guilty?' 'Yes, we should take revenge', was the spontaneous response and emotions rose high once again. 'The matter was not so simple as to be solved by such emotional outbursts', I cautioned them. 'Some penance is also necessary for your past neglect. Your anxious daughters, victims of circumstances, awaiting in the corner for your verdict'. Something has to be done about them before the Assembly work out a strategy to ensure that no girl in future would go their way and fall a prey to the invisible dark forces 'Whatever may have been the first cause- greed, enticement, deceit or force, the present reality is that these girls are living with aliens. The girl had a faith in the word given to her and believed that their relationship was enduring. The realization about its fragility was no doubt dawning with the disappearance for Ganeshs leaving Ayatis to their fate. But it was too late. She turned to her Ganesh, who reaffirmed his promise, may be, of doubtful value in that uncertain world. Some girls had even persuaded them to give a formal feast to the community in the fond hope that it would provide final authenticity to their relationship. Some parents had even accepted bride price, but nothing seems to have helped the girl when the man decides to desert.'

Traps Untied

As references were being made to the bride-price and marriage feasts, the mood in the Assembly was changing. They knew that men in Bailadila were earning a lot and the bride-price which some of them had received even from those fellows was quite meager. There was a strong plea for fixing a stiff bride-price. This was obviously a

wrong turn in the discussion, since it would really mean raising the price of the girl, the central issues concerning the innocent girls and the ignorant community remaining untouched. I referred to their custom and asked whether traditionally they could recognize marriage outside the Muria fold. Bride-price could be considered only as a part of the complete package of their social relationship according to which the choice for the partners in marriage is made, the bride-price in a variety of forms is realised, feasts are arranged for the community and the marriages are allowed to be dissolved and remade.

They all agreed that bride-price was not really the price of the girl which her parents realised from her in-laws or the husband. There was mutuality in these relationships. It was a token of goodwill and gesture sanctified by their long tradition. Obviously, the new situation was entirely different. No one could go to the town with traditional offerings and ask for the hand of the girl from respectable families as was their custom. So far it was only a one-way affair in which they were forced into a distasteful situation. This could not be a relationship between equals. If they allowed their girls to be given away for a bride price, howsoever high, it could not be a relationship amongst equals. They could not erase the impression that a Muria girl can be got for a price. Nothing should be done which may compromise their dignity, was the consensus.

No unequal social relationship will be allowed in future and any infringement of this dictum must be the concern of the entire community. Each Muria village had a Panchayat and a headman. A group of villages comprised a *pargana*, their highest socio-political meet to discuss issues unresolved at the village level, intervillage disputes and common social and religious matters under the leadership of *Pargania Manjhi*. Even though there are headmen in the village and *Manjhi* for the *Pragana*, the Muria political formation is thoroughly democratic, the headman being just the first among equals, who would work for the consensus and abide by it. Although the community was greatly concerned about the developments in the neighborhood, each incident was an isolated event. And after that First Great Tragedy, when the entire community rose as one man, individual incidents did not go beyond the village level and later on came to be regarded merely as a

family issue. The Village or even the Pargana Panchayat could not be a match to the new forces emanating from that mighty industrial Center. It was, therefore, necessary to create an equally strong-counter force on their side, so that they could also speak with authority. It was agreed to involve the *Manjhis* from the entire *tehsil*, headmen of all the neighboring villages as also their representatives in the State Legislature and Parliament, this Maha Panchayat could decide about the future course of action. It was, however, necessary that some view was taken about those who had appeared before the Panchayat and were awaiting their decision.

Acceptance of bride-price had been ruled out. Even a community feast hosted by an alien would be out of place. With the new realization about nature of issues involved in the day-long deliberations of the Panchayats and with the possibility of concerted action by the angry people under the leadership of Maha Panchayat any further violation of their tradition was unthinkable for them at that moment. The earlier cases, therefore, could be considered without creating a precedent.

Of the fifteen girls who had shown up that day, ten were accompanied by their men, some by their children as well. Five were living alone; only vaguely knowing the whereabouts of the concerned person. The ten had no problem and were confident about their enduring relationships though there was a lurking fear, seeing the happenings around. Meaningful smiles, derisive laughter or open contempt was not an infrequent experience in their cases. Sweet memories of their village-homes, particularly on special occasions, also haunted these outcasts of that traditional system. How they wished, they could acquire a status and feel once again the warmth of their people!

Should the Panchayat leave them to their fate as they are?, or some way could be found to help them out, had to be decided now! The Elders, like the girls, had no doubt in the least about the solemnity of the words exchanged between the partners before they started living together, since that was the essence of their customary marriage. But that was not enough in the new world, which claims to be civilized. The word has to be authenticated by a witness, be it the holy fire, a heavenly spirit or friends and relations as amongst the Hindus.

The airy words must be fixed on paper in the presence of a witness, 'holy' and high, without slightest deviation for the procedure prescribed in the Book of Law in the so-called civil marriage. Unable to appreciate the need for any further support whatsoever for the solemn word, the Panchayat decided to trust the word from me, 'the High Priest of the Mysterious new System', and agreed to be the witness in a superficial ritual performed by a priest hastily summoned and in a marriage document authenticated by the D.M. (District Magistrate).

The decision was hailed by all men and women from the villages, friends and relations from the town, who had gathered in large numbers to witness the unusual proceedings of the Assembly of Elders of the legendary Murias. The Assembly was transformed into a joyous crowd celebrating the 'formal-half' of those marriages of considerable vintage. A grand feast followed, organized by the administration for all those who had gathered on that occasion. The crowd gradually melted and the Elders took leave to meet again in the Maha Panchayat on the next appointed day. Many questions remained unresolved including those 'five' who lingered to the end as they could see no light in the deepening darkness of that dreadful night.

A New Surge

Unresolved questions notwithstanding, many issues were now clear. Moreover considerable experience had been gained to form the basis of further action. Bailadila is a long hill range extending about 30 kms. from north to south with 14 sub-ranges, each identified as an operational unit for mining of ore. Work was started at Deposit No. 14 on the base of which was our village Kirandool and the new township by the same name. Another area was being developed near Bachheli for mining of ore in Deposit No. 5, some 20 kms north. The venue of Maha Panchayat was fixed at Bachheli village, 3 kms away from Bachheli town, the base of the new mining operation set up on the roadside. The list of girls was reviewed and arranged in a number of batches area-wise to facilitate their appearance before the Panchayat. Some 50 girls and their spouses from around Bachheli were summoned on behalf of the Panchayat for appearance in the next meeting. Project authorities were asked to provide necessary assistance to locate the

persons since information collected from the village was vague and insufficient. The first Assemble itself proved to be a Big Bang in the area making the fact, that the Panchayat and the administration were doing something about tribal girls living with aliens or deserted by them, widely known. As time passed this became a common knowledge. The successive assemblies of the Panchayats held at Kirandool, Bachheli and Kameli, another central village along the iron hills by rotation became a meeting ground of people drawn from the neighbourhood and distant places alike. They trekked to the venue, some out of mere curiosity, some responding to the call of the Panchayat; others came there on their own, to tell their tales of woe to their Elders, or to make yet another vain effort in search for their daughters who never returned after the fateful visits to the bewitching towns.

Endless Search and Wounded Bison

Badlu could not complete his story as he broke down in the middle. He had no face to show; they tell that he had sold his daughter. He had been roaming hither and thither ever since that innocent one got dissolved in that darkness infinite. Taking a bundle of rice, salt and chillies, carefully prepared by his wife, he moved from one place to another, asking anyone and everyone about his Kamli, knocking at the doors of strangers, derided and ridiculed, but never losing his hope. His search continued till the rice lasted and a few days more. A dreadful and fatigued journey back home with nothing to tell, his wife waiting restlessly, for a word of hope from any side. Those countless journeys continued through rain and cold, through spring and summer, through sowing, tending, harvesting seasons alike; yet nothing he gained and the shadow deepened as time rolled by. As the news of Panchayat spread, a new hope was kindled and the whole family with next of their kin ran to Bachheli with a fond new hope, searching Sudari in that motley crowd.

Searching also came Haldu, a wild youth of 20, with only a *kopin* on, as was their custom, model of Muria physique, long lush black hair tied behind, with bow and arrow in his iron hands, accompanied by many a friend of similar built. Untraced was *Salari* his wife since she went to the town some six months back, leaving their hut, built by the duo under the *mahua* tree, 12 full moons back, after the

long playful days together in their *ghotul*, that Kingdom of Youth. Yes, she was there in the crowd with a well-clad '*babu*' responding to the summon, not expecting that embarrassing encounter. There was commotion in that corner as Salari stood defiant asserting her voluntary companionship, having moved from the village for a better life while the *Babu* stood behind her meekly, struck by the sudden outburst of wrath and wild fury around. Not able to express in the language of aliens, he was rage personified with burning eyes, quivering lips and restless arms ready to settle all scores with an instant jolt.

'I will kill them', he was shouting in Gondi while his friends were holding him as I approached that side sensing the gravity of that emotional moment. They had hidden her in the house, these babus threw stones at me and laughed when I asked where my Kamli was, roaming asunder in that Big Village of houses with doors and walls. They beat me then; today I will kill them with my *tangia* here and now on the spot.

Uneasy calm prevailed as Salari and Babu were moved to the group waiting for their turn to appear before the Panchayat. They could not be married even though Salari was vehement; she had done no wrong; Panchayat could fine as is the custom in such cases, little realizing that she had crossed that line which tradition has ordained inviolable, disregarded though after that Great Fall.

Divorce was out of question in the prevailing mood; disastrous would be its consequences for youthful Muria families protected by the community norms. Return she will not, was a clear decision of hers. And she could not live with the Babu, was the judgment of the Panchayat, clear and simple. A crime had been committed under the law of the land realised the Babu, when the interrogation ended. He returned alone in the evening leaving Salari behind in the protective custody of the Panchayat. The law became visible for once as a force for the good of the children of those forests, who hitherto were full of fear of the Police and the Court, as instruments of coercion of that dreaded System of *Sahukars*, *Sepoys* and *Sahibs*.

Law was Blind for Once

The turn was unexpected also for Faguni and Randhir who had come with his friends in the hope of getting married and celebrating it

thereafter. But she was just fifteen, the affair started in innocuous way. She would visit his shop occasionally on her way back home to purchase odd fancy things with the small money which she got. One day he gave her a few lemon drops and a small cake of fragrant soap for nothing with a smile. This continued till one day Randhir asked her to stay behind. Her friends searched for her but to no avail; she had no father and the mother was old. Happy was that nymph chiseled exquisitely, in the loving care of the burly keeper of the shop past 30 and more. Promise he had given for life, and faith grew deeper with every passing day, 90 in all, when *patwari* came with the news of the Panchayat and the possibility of a formal marriage bond. Of no consequence was her age for the Panchayat, though doubts were raised about her judgment. The Panchayat reluctantly agreed to let them go the usual way as an exception which they had made for the moment in another case as well. 'But she is just 15', thought I, 'and as the law stands even an arranged marriage cannot be allowed at that age'. No, a heinous crime had been committed, since she was enticed and violated before the age of consent, willingly though. Randhir stood condemned in the glare of facts which could not be ignored as misplaced kindness, sweeping away the protection of the law given to the minor and to the innocent. Surrendered he to the police, as Faguni pleaded 'she had gone willingly, she will return home, she will never see him again, he is not at fault'. The law was blind for once again, and Faguni kept weeping till the end of the day.

One by one they came, related their stories duly verified by the witnesses present; Panchayat gave their judgment which were vetted by me administratively lest wrong precedents and infringements of laws were tolerated and perpetrated. An order was emerging out of those broken words, telling harrowing tales of skillful captures in the wild under the shadow of Bailadila through enticement, allurements, deceit, deception, sheer force and abduction, bigamy, rape and plunder. Reconciled were they to their fate with nowhere to go; deepest wounds in some cases being healed by the soothing passage of time. Panchayat decided to proceed discriminatingly allowing marriages to be formalized where no law was infringed. If girl had left her husband without divorce, and a man had kept a girl while his wife was at

home, were cases of bigamy which had to be decided by the Panchayat according to the circumstances of each case. If the girls was less than 16, it was a case of abduction and rape to be tackled by the police. Consensus was reached on this course of action in individual cases, though the general issues for which the Maha Panchayat was convened remained to be resolved.

External forces were no doubt strong, but how was it that their community failed to respond?, was the crucial issue. Firstly, they has no experience to go by in their tradition to face that completely new situation, whose nature they hardly knew and whose consequences they could not realise. A new forum was needed which could be equal to the challenge they were facing. That Maha Panchayat should be given a formal and permanent status, was unanimously agreed. It should meet regularly in central villages in the area on appointed days so that people could come and apprise them about the happenings and bring to their notice untoward incidents. It was also necessary to fix responsibility down the line, according to a clear policy frame, so that no case escaped their notice, and the community as a whole could move in unison.

Authority Reasserted

Brute force and innocent youth had to be tackled at different levels. Even under ideal conditions our legal administrative system is tardy and can be manipulated by motivated and cleaver compliance of rules, crafty interpretation of words and deeds of the innocent and even blatantly false interpolations depending on an individual's capacity and willingness to spend. Travails of the poor begin with the First Report in the hostile System, through enquiry, spot inspections, summons, witnesses, arguments, punctuated by extortion at every step in the long run, unconcerned with his problems of person or his field, or rain or flood, or marriage or death, mostly infructuous, mysterious though, like the world unknown where 'gods' speak in their own language as he, at a distance, stands by in awe, forsaken and forlorn. Something should be done to make things better and the System respond to the man in the wood. Yet that alone could not deter the tough, the wily and the shrewd, if the community remains unconcerned, diffident and unsure of giving a befitting reply.

‘Let it be known’, declared Maha Panchayat, ‘force shall not be tolerated and the community will rise against the individual or the System, should any one cast an evil eye on our women intoxicated by the power of money or muscle’. The Panchayat of the village will be responsible for the vigil, girls and women will be allowed to go for casual work only in groups of 5 or 10, including a guardian nominated by the headman, who will function as a ‘*mate*’ of the contractor, to be paid as usual the wage as a supervisor. Thus, the *mates* having direct touch with casual workers without whose active role, connivance or indifference, no episode would be possible, was made responsible and answerable to the community. The Project Authorities of the mines and other organizations would be persuaded to incorporate such a clause with immediate effect in all their contracts, new and old, which they later on agreed. Instant retaliation by the youth was commended in unforeseen emergent situations as an expression of the right of self-defense. In this case the very honour of the community was at stake. It may be followed by a report to the Headman to be placed before the Panchayat of the village in a meeting, special or regular, on the full moon day. The Panchayat could issue suitable directions in each case. Report to the Police was to be done by the Headman on a selective basis apprising the Maha Panchayat about the fact at its next meeting. Individual cases and stray incidents, thus, were no longer individual and stray, but a concern of the community and a matter of relations and dealings between the two Systems meeting under the long shadow of the high hills of Bailadila.

Light and Shade

Force could be met effectively thus, but deceit and lure could still play havoc, as their dynamics is different. Poisoning begins, sweet and slow, usually in homes with girls engaged for menial jobs. A new world they see there, of stylish living, even amongst the lowliest, in cosy quarters of stone and timber with rugs, soft and warm, mirror and combs, large and cute, *lally* and powder, soaps and scents as much as one may want. No work for women in this fairy world of comfort and luxury with an earning man and working maid, except for keeping the house, the child and the self, arranging and rearranging,

preparing and dressing for evenings and also mornings day after day,
with finery and clothes of choice and taste, filling the long hours of
wait with endless gossip.

*Endless was the struggle
of the Muria girls,
against elements of nature in those thatched huts;*

*Sleeping on the ground
around the burning fires,
all family together
with occasional burns
on wrong turns,*

*Rising with crow of the cock,
feeding the pigs,
hurrying for water
from the springs a mile off,*

*Ready with her pej
and gruel
before the sun is hot,
for the distant fields
where men are working,
to share their toils,
and to collect roots and shoots,
leaves and flowers,
for the evening meal,
dried twigs and branches
for hearth and home
to keep the fire burning
and life aglow;*

*Choice was her's
for thrilling change
and carefree life
in the new serpentine 'woods'
of the hungry and coloured wolves,*

*even as a maid
for a small wage,
fabulous though
in a moneyless world,
and enticing gifts
just for a wish;*

*Choice was hers
to fulfill the wish,
and return not
to the thatched huts and woods
for drudgery and toil
for the whole life;*

*None but a few
could escape this silvery trap.*

*And realisation came
only when it was too late,
about the real happenings around.
and the dream*

SHATTERED

The Worm Turns

Lakshmi was roaring in reply to the slogan, 'Workers of World Unite' raised by women leading a procession of striking workers the other day. We Muria pekkis slave in your homes just for the leavings and annas four; workers you all, the painted dolls, idling and gossiping all through the day, cosy 'nests' yonder were built by us with the sweat of our brows on lands where our huts stood, and our gods live. No place for us in this wilderness except on the roads, to be thrown away from homes by those who defiled us and broke their promises, with children in arms, despised and shunned for fear of blemish and blot on your high grace. Hungry we roam from door to door just for a morsel of food for the child and self, forced to sell our flesh for annas eight. Workers you are, ladies you are, nothing are We, the Scum of the Earth,

Scum of the Earth. No, our girls will not serve in their homes even for gold. We are Murias, the masters of this land from times immemorial where our gods live. We will live with dignity in the name of Danteshwari or perish with honour, declared the Maha Panchayat. No Muria, young or old, boy or girl, will take a menial job in any home, low or high. Penalty for violation will be the severe most, excommunication by the community. Family was responsible for strict compliance and report to the Headman and Village Panchayat against any member defiant. Offence against community would have been committed by the family in case of connivance and failure to report; and such family will also stand excommunicated, like the deviant. They will live with their hardships, they will be satisfied with the fruits of their forests and yields of their lands, with no bar though for employment outside private homes.

Rule and Law

Clear infringement it was, technically of the individual's right for seeking employment freely at will; yet this was the fiat of the community, for that is what really endures; the individual has assigned roles, appearing for the moment, dissolving in the flowing stream, leaving some memories behind strewn in their songs and tales of some Persons Great. Supreme is the will of the People, for that is codified in laws in all lands by legislatures, small and big, representing the people with a difference though. Here was the will of the people echoing the woods, asserting their right for management of the self, for gaining back their respect and in the face of a challenge from Centers, unfamiliar and new, having different norms, sanctified by laws, embodying the Will of a larger mass. Was it a good enough reason this voice of the people, howsoever small, remaining unheard and unattended?

Here was a contradiction, as well as a dilemma. Firmly I believe that such contradictions could not be real and that our dilemmas arise from an unclear understanding of the law and of the situation. *The law of the land cannot be against the interest of the people and if such situations arise, it is the rule and the law which should stand amended rather than allowing the people to suffer under*

their tyranny. By now it was clear how the clever and the crafty were on the prowl under the shadow of the law and the rule, procedure and ritual in utter disregard of their real spirit. The administration could not be true to itself if injustice could be perpetrated with impunity by the tough and the crafty, without infringing the rule though. It could not be silent onlooker of the ravages by the System of the simple and the poor. The Muria was not weak, nor poor, but he realised that others had the support of that invisible hand of the authority of the Raj. The administration is the visible manifestation of that powerful System to the simple people of these hills and dales. They are alone in this crucial phase of transition and change, not of their asking. Was it not the moral duty of the administration to stand by them in a situation which was largely its creation without any preparation or forewarning? This responsibility had to be accepted unequivocally and discharged visibly to dispel the distrust gathered over years and regain their confidence and trust.

Chiselling the Formal Frame

The decision of the Mahapanchayat were unexceptionable, but they required a formal frame to become relevant outside the Muria world. It was easy to deal with the authorities of Bailadila as also the contractors working under them. They were obliged to accept the conditions of the Maha Panchayat that in all casual worker gangs, the *met* shall be a nominee of their Panchayat whose name shall be communicated to them by an officer specially designated for the purpose by the District Magistrate. Even in relation to regular employees of Bailadila, the Project Authorities were asked to prepare a list of women employees with full details about their original homes and their present status to be submitted to the Special Officer, who was charged with the responsibility of keeping a constant vigil and bringing untoward incidents to the notice of the Maha Panchayat. They were executive orders, not having the force of law, yet they could be expected to be followed by virtue of the fact that they were issued under the authority of the District Magistrate who could not be ignored being clothed with many a power, specific and general, vital for the functioning of all units in the complex modern System.

More difficult was the issue of the happenings in the homes for which a solution had to be found. 'No Muria could work as a menial in private homes,' was the decision of the Maha Panchayat. The problem concerned really the women, as the Muria youth would consider any menial work below his dignity resulting in loss of face. Even for women no rule could be made debarring them from seeking employment at their will even in homes if they had crossed the age of 18. Such is the law unrelated to the reality. 'Eighteen' would do in a familiar setting where the child grows and imbibes the mores, honored by all, under the aura of a Tradition and a System with effective checks against deviations and violations. Here the whole community is like the innocent child laden with fancy costumes and rare jewels by its fond mother, left uncared in unfamiliar world of greed and vice; '16', '18' or '28' are pure numbers signifying nothing in this meeting zone with a System Unknown. Let's stretch the law, incongruous though, to the farthest point, to make that fiat effective and real, thought I.

Two specific issues were involved in the instant case where suitable provisions of law, if any, could be invoked. One was how to prevent the women from falling into traps and protect them from possible exploitation? The second followed from the first, as if the process continued, the people may retaliate having realised the nature of the issues involved and having become conscious about their honour and dignity, thus creating an explosive situation with a potential for disrupting peace at the slightest provocation. Provisions in law to protect the weak, and even the women are not sufficiently stringent and straight, except for minors below the age of consent as complex issues of 'rights and claims' involving two individuals can be raised. Moreover, one of them may be articulate and shrewd, familiar with the System, capable of moving and influencing the critical points therein, nullifying the actions, having his own way in the name of justice and fair-play.

Maintenance of peace and order is different where administration is expected to act swiftly and decisively against individuals, known or unknown, or involving people at large with no scope of intervention from any quarters whatsoever, though for a limited time under the law. Apparently innocuous are the provisions of Section 144 of Criminal Procedure Code empowering the Magistrate of the Sub-Division

and the District to promulgate a general Order prohibiting the people, or any section thereof, from any action whatsoever for a period not exceeding two months though, provided the action stipulated poses a threat to peace and order in the area specified. Usually these powers are invoked for banning processions and assemblies of five or more and prohibiting persons from carrying arms or even taken against those who violate the Order by the Police taking them under custody and instituting a case in the Court of Law. Preventive detention is also possible if an individual becomes a threat to peace in an area. Misuse of such powers are not unknown but these powers are essential for maintenance of peace and order in a centralized System with no role assigned to the community, a convenient relic of our colonial past.

Unusual was the situation which I was facing in this area where peace could be disturbed if even a single person dared to disregard the decision of the Elders, prohibiting personal service particularly by woman, may be, at her initiative and with her full and sweet consent. Reasonable restrictions on the freedom of an individual may be called for and justified in the interest of common good or even for the person itself. *Weighing all aspects of the issue, decided I, to invoke these unusual powers to meet an unusual situation in the interest of justice and fair play for those who do not know and for maintaining peace in that area charged with emotion.* Order under Section 144 was promulgated prohibiting anyone residing in the area around Bailadila to engage any woman belonging to the area as a domestic and personal servant without obtaining prior permission of the Maha Panchayat. Those who were having such maids in their employment on that date were directed to report their full particulars, including their age, marital status, community and place of origin, to the Special Officer by a given date for placing them before the Maha Panchayat for their directions. Anyone violating these Orders was automatically liable for action by the police under the appropriate law. Decision of the Panchayat was, thus, given the force of law binding on all living in clusters and huts, high and low, scattered around the hills of Bailadila.

News spread like wild fire and compliance was complete; most of them preferred to dispense with the services of maids in homes.

More than a hundred filed returns within the time seeking approval of the Maha Panchayat for continuance of their services. Unmarried and minors were disallowed and directed to take employment in groups as earlier planned, which was provided to all without exception with the help of the Project Authorities. Full order and complete control was thus achieved on the employment of women eschewing the possibility of any misuse of the power of money, influence or authority, in that unequal situation.

Gagari, the Daughter of Mata Manjhi

Maha Panchayat regularly met in the central village of Bachheli, Kameli and Kirandool, listening to those who were summoned to appear, or who came on their own, adjudging cases, issuing directions for marriage or fresh appearance and dealing with the deviants infrequently though. Gagari had appeared alone, a blooming beauty, exquisitely chiseled, hardly 16 with a child in arms, 6 months old. Like others she had started living with Ranjan, a man from Keral, leader of the workers, happily for more than a year. When he went home for a while, she returned to the village and waited for a word from his side. But nothing was heard even as she got worried with the prospect of becoming a mother. Nothing moved alas, only her helpless mother was by her side as she delivered the child.

Thrilled was she one day when she heard from her friends about Ranjan's return, expecting him to visit the village, frequented earlier as a leader for creating a base for his party of the poor, farmers and workers, carrying a flag that was red. After a long wait, she decided to walk with his child in arms to his house with mother carrying a *politi* of all her belongings on her head. 'Whose child you carry?' was the blunt response of Ranjan at her sight. Stunned was she, at the roar of the Tiger-Messiah of the poor, that thrilled her once. Her pleadings went unheard and the door of the house she ruled for a year was slammed, leaving her sitting on steps in the street, hiding her face in the bosom of her mother, baffled and dazed, as the child lay crying on the ground aside.

Last Bid for Refuge Under Law

Ranjan had received the summon; but he decided to defy as per advice of experts in law of the formal Court. The summon of the Panchayat had no force under the law, was the plea made before me by his Advocate, two days earlier at Jagdalpur in my chamber. Forcing marriages on unwilling partners, was unfair, said he. Moreover, in this case what could be the proof that Ranjan was really the father of the child? 'Anyone could claim thus and put respectable people in positions embarrassing. And such a high-handed action should not be allowed at least in the presence of the Magistrate of the District, was his last card in the formal frame. Making a personal appeal, by way of turning every stone to protect his friend, he assured that he knew Ranjan for long, he was a responsible party worker and was not involved in any affair for certain. This was perhaps a trap motivated by personal vengeance, may be, with some political colour as well. And those girls are not simple as they look; they are used to free living, are quite shrewd. Shrewdly they have sensed the possibilities of the New Drive, and one could name any person, taking advantage even of mere acquaintance to capture his home and lead a luxurious life.

Sound was the logic and complete the trap of rules and laws built on the premise 'Lest one innocent gets punished, let hundred guilty escape'. His argument had force, conceded I. But the matter concerned exclusively the individual and the community and should better be pleaded before them, added I. My role was that of a well-wisher of all. Yet, I had to ensure that no one suffers simply because he or she is ignorant and weak, unfamiliar with all that is crafty and new. Tricky are the trails of law with interpretations galore, varying with circumstances, shades of facts and even sensitivity and convictions of the lawyer and the judge. Venturing no opinion in the absence of a formal plea, the trap was cut on a higher note. 'After all, what do you lose even if my girl speaks a lie; in the bargain your boy will get a beautiful girl for his wife, just for a song. This transaction is just one-sided, since 'while heads I lose tails you win'. Advise him to appear before the Maha Panchayat and accept the *Mahaprasad* in grace'.

Isolated was He

Unreconciled was the pleader being sure of his facts and peep in the laws, as I was told by the Government Pleader (GP) in the evening, whom I took in confidence, about the happenings and the plans, informally though. Plans were afoot for moving the High Court in a Writ, seeking injunction against the high-handed action of the Maha Panchayat, supported by the D.M. in his misplaced enthusiasm, moved by the ideals unaware of the reality of the ways of the people so low in matters moral. Ranjan has gone to arrange for money and support of others similarly summoned to appear before the Maha Panchayat.

Defiance of the Will of the People expressed by that Assembly of Elders could not be allowed, was our decision; as once that begins there could be no hope for restitution of honour already battered beyond description. 'Tell the lawyer', I told the G.P., 'I will find money for the case, let them move the High Court; let it be decided once and for all whether the poor and innocent can be allowed to be sacrificed at the Altar of Law, blind and high. Tell him further that I will personally appear before the hon'ble Court and plead for them; should their judgment be against the weak, I will burn it in the open Court and accept the consequence in its stride. The proceedings of the Maha Panchayat shall be continued, since here is the Will of the People, supreme and sacred, expressed for once claiming nothing but justice and fair play for those who cannot speak'.

Necessary it was to ensure the presence of these gentlemen summoned in the coming Panchayat, lest they slipped out of the District in the name of moving the Court or otherwise. Primitive conditions of communications in the District came handy, since there was only one road connecting all establishments around Bailadila to Dantewada, the Sub-Divisional Headquarter and Jagadalpur, the District Headquarter passing through hills and dales, clad with forest and a few habitations on its side. Instructions were issued to the Police posts at vantage points to check all vehicles and ensure none of those summoned for the day slipped out of the area.

Caution was also necessary to preempt any action by the local civil courts lest an unhappy legal battle ensues with possibility of mis-

chief. The Government Pleader briefed the Additional Sessions Judge about developments in the area and the stand taken by the Administration not to interfere and to extend full support to the Committee of Elders in their action to meet the new challenge which their society was facing, honoring the spirit of law but not allowing its misuse by the articulate and the strong. The Court was requested not to issue any interim order since the Government Pleader will be available for presenting a reply on behalf of the parties which the Complainant may choose to draw in the Court, individual or corporate, since the administration had decided to defend all such parties and to speak on their behalf. This was an unusual plea but had the desired effect. The local Bar, except a few, gave an overwhelming support and even decided informally though, not to accept any brief against the girls seeking justice before the Assembly of their own people and the legal System immunized fully with adequate caution. Thus, the culprits got isolated even in the idea of moving the Court, and even the High Court; it was therefore quietly dropped and all eyes turned to the Assembly at *Bacchheli* on Sunday next.

Assembly of Elders Ignored

Ranjan did not appear, notwithstanding the service of the summon. Unusual was the gathering of the day with numerous officials and workers from Bailadila, many a lawyer from the town including the one pleading for Ranjan. It was a crucial day since for once a person of position and influence was himself involved. Some big wigs reported to have been involved in affairs with girls had cleverly avoided the embarrassment in open by heavily bribing the girl or even arranging a match for her from eligible workers presenting themselves voluntarily before the Assembly for marriage with mutual consent. Deeper probes were not ordered for the simple reason that most of the high ups were already married and their affairs were clandestine and totally ephemeral. No girl could be married under the law to a man having a living wife; though this was not against the custom of the tribe. These were some of the ticklish cases where the law and the reality did not go together and some practical solutions had to be found.

Reconciling Law & Custom

There were some genuine cases of adjustment as well. Bhumi with 3 children was living happily with Kalyan, a worker from Orissa who had a wife and children at home. They went disappointed from the Maha Panchayat since no marriage could be solemnized. Bhumi was standing in a corner with tears in her eyes. She knew that Kalyan was married; she had visited his home more than once and was accepted by his wife and his people. His wife had come to Bailadila, stayed with them and went home to manage the land. This was their custom and people with money and land had the privilege of having wives more than one. The woman is not a burden on the man; she carries the burden of the family keeping the house, tapping the forests, managing the lands, except for sowing of seeds, which only a man can do. Bhumi could claim maintenance, as was decided in similar cases where marriage was not possible, equivalent to one third of his pay to be deducted by the Project Authorities as per agreement and paid directly to the woman and her child, month after month for life or till she marries someone of her choice. Resistance was there initially to this proposition but the alternative was to face prosecution by the Police in a court of law, the administration accepting the brief and also the responsibility for seeing it through on behalf of the girl till it lasts.

The web of law is quite complex, everyone knows. But now the story was different. Money and influence could not help and the weaker side was no longer weak with full authority of the System to support from its side. None opted for the Court and accepted the cut in the pay at source as penalty, quite lenient compared to the wrongs done to the daughters of the land. 'My home will be broken', pleaded Bhumi from the core of her heart, 'what will I do with money if my man is gone?'. It was a genuine plea though against a law, still in the books, custom and tradition continuing to guide the man in the village and in the woods alike. But even the claim of happy home was still a plea unverified in the absence of the woman concerned. She appeared along with Bhumi and the man in the following Assembly to testify on their behalf. Certificate of civil marriage was not possible in this case, but the marriage was solemnised with fire as witness according to the tradition of Hindus. Happy was Bhumi and all others as her home was saved and illegitimacy was wiped out.

Elder's Determined Response

'Ranjan has not appeared', was on every lip in the Assembly of that day. How to proceed in the new situation was not known to the Elders, since unfamiliar were they about the ways of that world. Reaffirmed the sever of the summon his presence in the town having personally delivered the notice to him just the other day. All vehicles were checked for the past two days, affirmed the police officer, he could not have slipped. Conspiracy was clear, aided by the Pleader who knew that Panchayat had no power under the law as it existed and the administration was still maintaining the role of a guide and provider of moral support on an issue genuinely humane where the people had decided to act.

A formal complaint to the Police was enough for the next move to get at Ranjan and proceed. But that was a trap cleverly planned as formal action could be countered by formal proceedings in the court of law. Once that door was open, the scene would change and initiative would pass into the hands of the Priests of the System, swearing by the law, cut and dry. The Maha Panchayat representing the Will of the People would be just a petitioner having no role and authority, unless the Assembly or the Parliament, Governor or the President decide otherwise. The initiative could not be allowed to ship, having created a new climate of high expectation or justice and fair play, the only hope of all those victims of that fateful transition.

Ranjan was an employee of the Project, a leader of their workers. Could the Project Administration remain a silent spectator to the happenings in the area essentially of their making? Let the Elders have a dialogue with the leaders of the Project for resolving the tangle. Could the Project work if the people reply in their own terms for the depredation let loose in the area by its employees? There could be a violent reaction which, however, could not be allowed by the administration whose task was to maintain peace and order.

Furious were the Elders since they knew no other way. You may not get the culprit and the innocent may suffer as happens when mob becomes unruly and actions unplanned. Someone suggested, why not stop the train carrying the ore which was just passing by? Roads could be blocked so long as those summoned defied their call

was another serious suggestion. No force had been used at any stage, though provocations were many, of untold crimes against their innocent girls. They were forgetting the past if the guilty accepted the consequences of their deeds with grace. But no one could defy their call and not place his case, if he had any thing to say in reply to the plaint of the girl. The Elders decided to muster their strength and blockade Bailadila, should the Project authorities fail to persuade Ranajn to appear before them before the close of the day. They fully assured us that *tongias* and arrows shall not be used, though youth were restive. They will block the road and the rail till the Project and their men continued to defy their reasonable call. Vigil will be maintained by the administration, ordered I, without interfering though in the dispute between the people and the Project. The message was conveyed as Elders continued with public hearing of their girls and the guilty.

Surrender and Collapse

Ranjan had come much before the deadline, standing in a corner surrounded by his friends and admirers talking to the pleader. I was standing in the open listening to Fulari why she ran from her home and came to the Panchayat. Having got full brief about the latest trends, Ranjan moved nearer to me and stood by followed by his pleader keeping some distance. His face was drawn, with eyes fixed on the ground hoping to make his last pleas before the Elders and me of facts and fiction stressing the legal ground.

The ground was different and context changed, for Gagri could be on her own in her familiar world, with justice ensured. Even before I could realise what was happening, she had rushed from the crowd with babe in arms like a wounded beast fuming in rage. This child is not yours, you say! All those promises are false, which you made on the day when you came with the flag to my village and I followed you drawn by your words. Whose child is this? Let your friends say, could anyone ever dare even to touch me? I am not like others, I am the daughter of Mata Manjhi'.

Like a torrent, flowed her words and clauses shaking Ranjan to the core standing askance, eyes still fixed on the ground, with no courage to see in her face, trembling like a leaf in that wild storm. The crowd

around them thickened as curious friends of the leader and youth from the village drew nearer the spot where the tigress had pounced on her prey and nabbed it at last. Many did not know what was happening as the drama was in Gondi which Ranjan also used, though all Gond workers out of pity for their innocent child had parted company of the leader, rendering him speechless for once where he roared.

'The Workers of World Unite'.

United were they, but now he was alone. The things were clear. His face told the story real, words melting in the wind having nothing to convey. 'Ranjan, what have you to say, tell us freely, lest you carry the grouse that no opportunity was given to you to clear your side'. Silence deepened as I intervened to be broken again by the outburst of Gagri demanding a reply. 'This child is your's', she said with authority. 'What have you to say about this,' again asked I. He nodded his head without uttering a word. All had changed, the drama was over. Then, go to the Panchayat and make your plea, accept this daughter of mine, the fairest one with grace. Forget the past, we will also forget the past, though you have committed a crime by enticing a minor and living with her before the age of consent. This child, whom your pleader friend was naming as illegitimate and a wage of sin, is your real Saviour; for otherwise your legitimate place would have been behind the bars, waiting for the day of judgment for the nefarious deeds now forgotten. Be faithful to her and the child, reciprocate her trust', was may last advice. There were thunderous cheers as he held her hand before the holy fire as the priest chanted *mantras* sanctifying the words and the bond for life after life. 'He did not tell me the truth and you were right', whispered the pleader, 'I am sorry for my part played on trust and never again, I will speak against my own daughters'.

Tyranny of Tradition

Fulari was sobbing. 'Save me, my father' they will marry me with *Mama*; he is older than my own father. He has land, they say and I will live like a queen. But what will I do, I love his nephew, of my age. They promised my hand in *dudh lautai*; none listens to me except my mother, who is also helpless before her brother and the long tradition. I heard of

the Panchayat and the work you do, so I have come here. I will not go, throw me in Sabri or kill me here as you may like'. Muria girl was free no doubt. Yet tyranny of tradition could not be ruled out. Unequal marriages, initially under the influence of Elders, were not unknown with some unhappiness and misery as well, though the girl could break it with ease and make a fresh choice with no stigma attached. The psychological moment of the first love was real. But many had to reconcile even with obvious choice in that small world of Muria with nowhere else to go. The hills of Bailadila with their head in the sky had a ray of hope, illusive though, for these unhappy victims of their own tradition, who ran to the town, knowing not its ways and entered unwittingly the cavern of hungry wolves. Fulari was not alone. Many others had told similar tales; whose wanderings ended only after the Maha Panchayat Spake.

Injustice of the System was clear but no one could defy it, thought the Elders. *Dudh lautai* is sacred, binding two family-trees from times immemorial. 'My *sagas* had not kept the word and I had to get that beautiful flower from another tree for my younger brother', confided in me that skillful Karma the other day on my visit to a village in Abujhmar, the Hills Unknown. 'I have honoured the tradition and gave my daughter to the eldest son of my wife's brother of same age. Let me see how they default this time', and whispered further, 'I will capture the first girl of my daughter for my Chhatru' pointing to the boy who was still suckling the breast of his mother.

Strong was the tradition, yet it was unfair to the girl, I pleaded with the Panchayat. How can you force the girls against their will in such unequal matches? They will continue to run, no matter what you do, you must mend your ways for a lasting solution. The world is changing, you cannot reverse the flow of Sabri and Indravati; you cannot wish away Bailadila in the face of a revolt from your own child. We must fight injustice of others, but that will be impossible unless your own hands are clean. The young and those who had seen the world outside were all for this and even the Elders finally conceded to support a unanimous decision prohibiting unequal marriages notwithstanding the custom, with no regard for rank, gold or land. The youth seeing the change further pressed for a decision against many marriages by the high and the rich even within the community and as per

traditional norms of life. It was unjust, they pressed and had become the soft point in their community leading to justified desertions, but ironically ending in those treacherous dens. It was a difficult proposition as involvement was personal for many of them in the Maha Panchayat, though they reluctantly agreed in principle to adopt the resolution in the face of a new wave.

A Home Outside Their Homes

Fulari was not sure though she could vaguely follow the happenings there. 'She would not go', was her decision, simple and firm. The girls whose cases had remained undecided and who could not return during the earlier Panchayats were taken by me to Jagdalpur and kept in the Women's Home run by the Social Welfare Department for destitutes. Destitutes!, but not these girls by any standard. Unfortunate they were no doubt, who needed the care of a kindly soul in their days of despair. That tyranny of tradition would not melt away by a simple resolution of the day, was fully clear. But it could and should be taken as good augury for the future, though Fulari and her kind will continue to seek some escape from their insisting parents and demanding spouses. Travails of the new world they may vaguely realise, yet the prospect of relief from the torture of the moment may force their steps on that unknown path, which could be a regret for life, with no turns and no friends in that glittering world. They needed a Home outside their homes, secure and sound, warm and mallow, someone to talk about and listen to their woes.

The nearby poultry farm abandoned for long was converted into a temporary abode for those who either did not wish or could not be allowed to return. A kindly lady teacher from the neighboring school was given charge with provision of a daily allowance for each girl for a while, out of some vague Welfare Fund not known at that time. An advance from contingency was given for a week. It was, however, soon discovered that every rupee in that great flood of funds for the upkeep of the System, for police and jail, for road and rail, for *guruji* and school, was tightly tied, with no discretion of any significance outside the frame even with the One, who was generally responsible for the welfare and well-being of the people. Writ large was the waste

all around in fanciful schemes of no consequence to the man in the village or on the street. No one would bother so long as the ritual was flawless, and the rules satisfied. Even an ambitious scheme could be made and submitted with excellent chance for approval by the Government of the People dedicated to the Service of the People. But here was a issue of the day, Fulari would not return whatever you say. One, two, three; Fulari was not alone, now they were seventeen in all; and the count could grow as the wheel of this little history moved on.

'Development had really blessed the countless string of 'people' who came to Bastar with nothing but a *lota*', as Marmu of Mahima had put it the other day, 'and are now owners of palatial houses and estates, shops and establishments, engaged in converting that limitless wealth bestowed by nature for its children into an easy buck as her innocent children, the real owners, look on. These gentlemen could have showered money individually, or even through their organizations, dedicated to the service of the poor, with numerous totems like 'Lions' and 'Wheels', to assuage their conscience in the evening after day long spree of nefarious depredations. It could have been a command from me given through the Naib Sahib or *Darogaji*, without any obligation in the least, for that noble cause. But no initiative from our side, as a request or command, I thought, to those, who were in the other camp in that great struggle of the transition. I may feel no obligation or even take it as a levy. But any transaction with them, outside the strict formal frame, with initiative coming from our side could amount to some rapprochement at least at the level where money is given and taken. And genuine unsolicited voluntary effort from their side could have been considered, but there was no time. They were dazed by the unusual happenings. And I simply had no communication with these elements, except in official transactions as there could be no meeting point between us at personal level.

My visits to villages even though official became rather personal. They were reciprocated by the people with feeling and emotion. There was a small hut in one corner in the compound of my bungalow specially constructed in the style of *Thanagudi* to welcome the unexpected guests. Their visits could be just for courtesy, simply in response to my invitation while in their villages, or incidental to their

visit to a *madai* or market, or even for a purpose with some tale to tell which they could not understand. The other visitors stood aside, wondering about what this strange new group from the wild had brought to its Baria Sahib.

So, for Fulari and others some arrangement had to be made immediately of a continuing nature till the response from Bhopal, hopefully favourable, to the proposal for having a home outside their homes for those who choose to opt out. A number of residential institutions for tribal children at primary, middle and high school level are run by the administration throughout Bastar. Was it not apposite to consider, thought I, that these unfortunate girls require some education in a broader sense to enable them to understand the nature of the new System and to give them some skills so that they could be on their own far away from their homes, now that they are in the strange new world? Unexceptionable was the idea, the rules and the words or terms governing the establishment of *ashram shalas* required a new interpretation and wider scope. This was done as I firmly believed that rules are for guidance and they could be changed for serving the ends or even broken, should they become dysfunctional and go against the good of the people. An Adivasi *Mahila Ashram* was established within the usual frame but with a new style and a new content. Now Fagni had to a Home, away from her home on the bank of Sabari in Dantewada town, the abode of Danteswari. It became the last refuge of all those victims of the System, old or new.

Some Rules Again

Meetings of Maha Panchayat continued month after month, dealing with a variety of cases guided by precedents. As the news of this unusual Assembly spread, curious people from village and town, far and near, and also the Press reached that remote corner to see for themselves and report. Coverage in the press was unequivocally laudatory with many facts and numerous myths about the mysterious happenings. Tributes were paid for the action in the Assembly of the State and Parliament in Delhi for the exemplary steps taken by the Administration. Encouraging was all this, but such euphoria could not last for long, was my clear conclusion. It was merely an aberration, product of chance

events and favourable turns, as also the general milieu and situation. It may collapse with a simple turn or unexpected change unless it was fully internalized by the powerful System and entered its Code.

The Founding Fathers of our Nation had full appreciation about the need for a flexible frame for the simple people during the critical phase of their transition. The Union and the Governor have special responsibility for the welfare of the people as also peace and good government of the areas inhabited by the tribals listed in Schedules, Five and Six. Their needs may be such which may not be appreciated even by the Legislative Assemblies and the Parliament, which are governed by their own rules and traditions. Realisation may be too late, since every day counts in situations of fast change. And what is lost today, may never be regained. Not only special provisions for their protection exist, the Governor has unlimited power to direct that any law of the land, enacted by the sovereign Parliament or the State Assembly shall not apply to the Scheduled Area or any part thereof, or shall apply with such modifications, as may be considered necessary by him in his discretion, by a simple notification under the Fifth Schedule, notwithstanding any thing contained in the Constitution. And this direction can be given retrospective effect without any limits whatsoever. Similarly in respect of the welfare of the tribal people and peace and good governance of the area. Regulations can be made by the Governor, having the force of law without any exception.

A draft was accordingly made of a comprehensive regulation governing the transition, constituting Panchayats, giving them appropriate jurisdiction over all matter involving their girls and outsiders with simple procedure for presentations without the aid of lawyers and a final appeal before the Maha Panchayat, defining the responsibility of the Project Authorities for the welfare and well-beings, especially of women employed directly by the Project or by contractors working under them with in built checks such as obligation to engage the mates as their employees but answerable to the Panchayat, provision for maintenance of the victims where wrong was done and marriage is not possible, and deterrent punishment for use of force or allurements with summary proceedings in the Courts of Law, banning employment of women at homes as domestic servants and penal pro-

visions for noncompliance, a special responsibility of the Magistrate of the District for ensuring that the spirit of the law was honoured and no rule was allowed to be used as a subterfuge for the criminal acts, with adequate discretion for giving directions, initiating action and incurring expenditure for achieving the objectives of the Regulations.

While the proposal was sent to the Government, action was continued to consolidate the gains and flush out the last vestiges of the earlier misuse. Orders under Section 144 banning employment of women without permission of the Panchayat was implemented. The local SDM was directed to conduct a house-to-house check in all habitations around Bailadila, in all shops and establishments scattered throughout. Combining operations yielded a good 'catch', who were taken to the Panchayat, let off with warning, while adequate alternative provision of employment was made for the former maids.

Coming Together in the New Setting

A Cooperative Society was organised to collect the ore under a special agreement with the Project to absorb all those who had come alone with no place to go. Murias were not interested in a regular employment and would come for a few days at will for earning a bit, to meet their odd requirements. Such sporadic visits were fully exploited by contractors giving them low wage or even merely a promise knowing fully well that he may not come again. Irregular employment of many could be given a regular flow over a period and that was the plan under the new Cooperative. Huts were set up in a central place where groups of Murias, boys and girls, could come and stay *panchayatwise* with their leaders, as was now the rule. Anyone working for 45 days or more in a year, not necessarily at a stretch, would be entitled to a share in the net profit in that year. The Project provided the capital for initial working and the Cooperative began to work smoothly in no time. The new 'habitation' was their own where they could come at will, work for a while, get their wages in full and return whenever they like, contributing to the work flow, regular and steady.

Manipulating the System; The Last Effort

No one could dare to come in the open and oppose, as the position of administration was categorical and clear, with a wave of

sympathy all round for those victims of force, deceit and circumstances. Those with a guilty past were still apprehensive, particularly those in ranks, middle and high, for they could be summoned by the Maha Panchayat on a simple plea by their victim with no way to escape but to accept their verdict. Isolated were they fully within their townships as well, since the average worker or even their own colleagues were fully convinced of the case of the weak, their erstwhile victims. Everyone was happy that those nefarious deeds had come to an end. And once again, no one could dare to cast an evil eye on the Muria girl; she was safe on the road, in the working place, at the shop and in the market, for she could go and complain in the next Panchayat to her own Elders, in her own way, whose summons could not be defied and whose verdict could not be challenged. It was justice in the open where no subterfuge would work and one had to own up the guilt and take the consequence in its stride.

Apprehensive of the processes in the open, they sought protection of the System with pleas on paper addressed to authorities in the State and the Center. Some of them, as also some senior executives on their behalf, met me, gave applications, seeking assurances against possible persecution by their adversaries, using girls as cover. They also wanted the right of defence with the help of pleaders. My stand was clear. If a girl comes forward with a plea involving her own honour, the person must reply in the open since he loses nothing and could clear his name if nothing was wrong. False pleas are so transparent that do not sustain in the glare of the open sun under the shady trees where Panchayat is held and hundreds watch. No case of miscarried justice could be quoted in the dozens of sittings held so far. Respectable people with no blot to hide need not worry, as the Elders could be trusted to dispense real justice in keeping with the tradition of those woods from time immemorial. Those who are guilty and have been in the hide only need worry and bother about that net which had been cast rather wide. The administration would not go out of its way to track them. But action shall follow if the girls complain. The key now lay with their erstwhile victims whom they should approach and satisfy. was my advice.

Battle of Wits on Paper

Paper is powerful, since words, true and false, acquire a uniform shape; it persists for long moving from place to place in the huge machine, specially designed to carry it to and from centers of powers, high and low. Appeals and petitions by the culprits having no courage to appear in the open started traveling down from different authorities some for report, others for disposal. (*Two typical cases* filed in Civil Courts are given in annexure.) A write up on the situation and the action of the people with the support of Administration was prepared serving a standard reply for all queries received in the office. (*Annexure*). Here was a battle of words which continued in its stride without being allowed to interfere or influence the action on the ground.

Brains were busy with finding some flaws while I waited anxiously for clearance of Regulations to further the Constitutional intentions and vest the People with the authority of managing their affairs, vital to the very survival as a living community. No reply came. But on the contrary, and to my utter dismay and surprise, I was asked to explain and submit a comprehensive report stating the authority under which the Maha Panchayat functioned and my Orders to regulate the employment was promulgated.

I was fully aware that Order under Section 144 could be issued only for a period not exceeding two months at a time. The duration was omitted from my Order on purpose, since it provided a general cover. The average person is not bothered about the fine points of law and its interpretation. So long as intention is honest, any act with a good purpose has wide appeal and a new milieu is engendered. Once mischief-mongers are isolated, they can be dealt with severally with no possibility of making a general cause, even on their own ground or in the Courts of Law. Purposive disregard of rules can be sustained only if one has a complete grip on the law itself, as also the facts and a clear purpose with courage to face the consequences in the open. The case of the weak and the exploited is so strong and the crimes committed against them under the very shadow of rules and laws especially in conditions of fast change and transition, in these remote lands are so many, beyond count, that if one moves with his ears and eyes open, trying to see the world from his side, the options are clear.

And no rule or law can be considered sacrosanct in such a setting. Simple justice is what the simple people yearn and is the duty of those in power to provide.

Gaze of Stories Real

The world within the four walls of the offices at Jagdalpur or Bhopal or Delhi is different comprising dry facts, rigid laws and countless interpretations, loaded with different, perceptions, devoid of those finer elements, rendered incongruous by the highly dissected formal frame, which make the Life Real.

*The pangs of youthful desire
'Who will marry me, Babu?;*

*The Story of the Great Fall
manipulated by the OSD,
The blunting of their arrows and axe;*

*The endless journeys of Somaru
in search of his daughter;
The Prison-Home of Mangli
and her trails
through deep forest
in the dead of night,*

The Scream of truck and her capture;

*The wrath of that wounded wild bison
stoned by the babus
while sniffing for his wife;
the dilemma of Bhumi,
the Wrath of Gagri
at the cruel betrayal;*

*The lure of those endless silvery traps;
The bewilderment of Elders
with community at crossroads;*

*Their injured pride,
shattered traditions
and blunted arrows;*

*Machinations of the shrewd
and the connings of the new System,
using their ranks
and lure and power of money
for acquiring those
'household effects'
to be changed at will,
thrown on the streets,*

*Working for the leavings
and selling their flesh
for annas eight,
to get a morsel of food
for the child in arms;*

*The resolution of the Community
to meet the challenge
at any cost;*

*The restless youth;
The sobbing girls;*

*And, the burning fire
in the hearts of the old,
could not be caught
by lifeless words
affixed on paper.*

And Natural Response

A decision from Bhopal I could not afford based on the formal pleas made by the guilty invoking the rule and the law and a report from me which could not carry the full story howsoever best I try to capture it all in words. A Report was prepared which was enclosed with a

cryptic note with no explanations for the actions taken, stating further that I had acted as the Magistrate of the District, charged with the responsibility for maintaining peace and order and also for ensuring that the simple people caught in the whirl of change, not of their making, are not exploited by those in vantage positions. No explanation was due to any authority as the Magistrate of the District, functions under the powers vested in him by the law of the land, concluding finally that no further communication on this matter from any authority shall be entertained. This was an unusual reply, provocative to the core, but with a purpose. In any game of rules, the dice is heavily loaded in favour of those who keep the form, even when the spirit is flouted.

I had to choose my ground having kept to the spirit with no concern for the rules. Let the issues be brought in the open so that the action taken could appear in its true perspective. I could not subject my actions to the judgment of one looking at the drama from a remote point, strictly circumscribed by a handful of rules and laws relevant to the desk, unconcerned with the wider frame even of the law and the very Constitution, let alone those '*living questions*', with tears in their hearts. Loser is the one in the game of administration who makes the complaint, for he has to justify. I had acted in good faith with full realization of the justice of the cause, why should I bother, let others complain, was my simple logic. No action could be taken against the Magistrate of the District unless the Council of Ministers approve, I knew. *Whatever their other faults, the politicians have their feet on the ground, know the realities which they may over look on purpose, have a greater concern for ends and action than ritualistic formalities of the System, in contrast with those who are tied to the rules, glued to the chair, having lost touch with the life in the field.* The provocative reply was to force the issue, let the facts come to the fore, let the distortions and deficiencies of the laws and their incongruity with the spirit of the Constitution be brought to light. Let the Council of Ministers responsible for the well-being and welfare of the people decide. What was more important, any effort to justify and defend would have been taken as a sign of weakness even affecting that humane action and vitiating the new climate engendered in the end.

Events on the Flanks

The events on another front where I was dealing with a charismatic leader Baba Bihari Das, who was widely believed to be the former ruler of Bastar, Prabir Chandra Banj Deo Maharaj himself in disguise, though he was killed in police firing some seven years back and cremated in Jagdalpur as thousands looked on, for he had some powers divine, moved fast. He was sent out of the district and not allowed to return notwithstanding the pleas and pressures from those in positions of authority. Making short of the long tale, a wireless came asking me to leave giving my charge to the next person. No reaction was available by this time to that unusual letter in the short time, but I was told later that some action against me was being contemplated which was dropped since I was no longer on the scene. Sudden, though expected, was the change. I decided to move out before the news spread. But I must have a word with all those girls in the Ashram, who would be anxiously waiting for my presence in the next Maha Panchayat with their problems unsolved. It was 5 in the evening when the message came. Additional Collector was called and given the news, fixing the time for handing over the charge on the following day after the noon. Straight I proceeded to Dantewada, 72 miles away, halted for the night while the news spread.

Good-bye to Girls

All the 35 girls in that Ashram, between 15 and 30, some with a child or two, dressed up for the occasion in spotless white, with garlands and flowers in hand collected from the blooming trees in the forest nearby, were waiting in a row to welcome in the morning as guided by the teacher. Keeping my face I walked to them, Lakshmi in the middle with a *thali* in hand for putting the traditional *haldi tilak* on my head. With a laboured smile on my face, I tried to address her in the usual way, for I always visited the Ashram on my way ever since its establishment, to have a word with her and them, to console and to promise to do some thing and to look personally into their problems. Brave posture was kept till I reached near her and she raised her hand with *haldi* on her thumb. But the dam was burst with my simple touch, *thali* fell on the ground while she clasped me with both her hands and

arms around with her face buried in my chest, wailing and crying with nothing to utter but intermittently the word *pitaji* as they used to call me. I also broke as I held her in my arms. That line was broken, broken they all, running hither and thither, hiding their faces in whatever they found, in clothes and beds, against corners and walls, weeping and sobbing, dissolved in tears. I stood still patting her head for a while and sat on the *chaddar* spread on the floor for me, taking her there.

I sat quietly for long. There was nothing to speak, while the teacher herself was weeping, consoling Kamli, seating them around. They had eaten nothing since evening last, after they had heard the news and kept crying almost all night only to get ready in the morning for my visit. They sat around silently, the children not knowing what had happened were looking on. Some snacks and tea specially prepared for me was brought after a while which I could not eat alone as I did earlier. Everyone was served and they were forced to eat before I took the sip of that cup of tea. What will happen to them?, was the only question hanging heavily in the air. They need not worry as the SDM who had been functioning on my behalf was there. They need not fear as the Project Authorities were also in their favour and would not allow the culprits to be spared. Their Elders are there in the Maha Panchayat who have now resolved to speak for them. They are not alone, I am not going for ever. I will come and visit them as often as I can. Now they have also learnt to read and write and they can send a letter to me. If nothing worked here, I will definitely come to see that their problems are solved no matter where I am.

To lighten the air and divert them from the imminent, I asked Mangli to bring her book of exercises where she was still struggling with the combination of alphabets simple yet. She had made some progress and promised to write a letter to me before the next new moon. Fulari, you must also proceed with your reading if you wish that I should write to you. Teacher asked all the girls to bring the books and also other pieces of knitting and tailoring. Each showed me the progress, which she had made in the last fortnight with some satisfaction and mellowed enthusiasm as their hearts were heavy and had not got over the blow. I enquired about many who were married

in the Panchayat and asked Lakshmi to tell her friends that they need not bother, I am with them; I will be leaving today and would come again to meet them early. Tell Bhumi, in Kirandool living in No. 7 that I will come with sweets for Bablu her eldest child; Budari who was in the *Ashram* is now working in the girl's *Ashram* at Parta on the way having got that job just the other day. These unfortunate girls were given preference in the new appointments within the *Teshil* in schools and hostels and other establishments as per the orders issued for solving their problems.

I will meet them all when I come next, ask them to write to me if they can. As time was flying, I wanted to leave but they insisted that I must have my food with them, which they will prepare themselves. I went for a while to the rest house and the temple of Danteshwari asking them to hurry since I had not much time left. They were all sitting in a row as instructed when I returned and took food with them and after that, a brief chat again. Each touched my feet in their traditional way, as I got ready for bidding them good-bye. Their eyes were full. Some caught my hand and that Lakshmi again melted in tears with her arms around me, perhaps in the last wishful bid to undo the command of fate. Softly taking her hands off, patting her head I bid them all the final good-bye.

Moving Finger Writes...

I cleared from Jagdalpur by the evening with the last farewell from a batch of thirty tribals who had come the other day and stayed at the "Bungalow-*Thanagudi*" for the night waiting for me for the last word before they proceeded for a new forest area where land had been assigned for their settlement, disengaging them from the conflict with the System on land and forest. Yogiraj was also there, whom I used to address as *Dushtaraj*, one of those toughs and history-sheeters who was benign and kind at his core with a hard and rough exterior. He threatened self-immolation, but gave up the idea when I told-"Will you like me to be put to embarrassment? People would say I used Yogiraj to stage a drama." Some people said they would block my way on the bridge of Indravati. They were also dissuaded on similar grounds.

Later on, all the MLAs of Bastar, irrespective of their party affiliations, presented a petition before the Governor whom I met and gave a detailed account about Baba Bihari Das, the immediate cause of my differences with Government and a number of other matters including the plight of the people and their misery during the period of that long transition. He offered me that he could give a direction for my return to the district which I respectfully declined. It would never be the same again, I said, and you cannot guarantee a tenure of long duration. I would work for a while at Bhopal, I said, and could return to the District if so desired by the Government in due course. That was never to be as the people in power move from moment to moment, each complete in itself with facts, events, relations, and emotions. And the matrix of the moment, which appears to be grand, dissolves, disappears, and vanishes with that moment, since a New Grand World with a new Grand Matrix is born the very next moment.

For months queries poured in from all sides about what had happened, since the news had appeared on the front page of a national daily in a bold lower head line "Father of Mass Marriages Transferred". Facts and fables continued to appear in many a paper to satisfy the idle curiosity of the urban crowd. Many thought the whole episode merely as infatuation. A senior administrator having long innings in Bastar, quite close to the people, remarked "Sharma, these are little joys of the simple girls. Why should you have interfered?", little realizing the change that had occurred and depredation let loose in those hills and dales in the name of development.

"Development extracts its price", was seriously argued by another senior administrator in Ranchi, relating the tales when those industrial complexes with foreign aid were being established there in Chhotanagpur, the heart of the land of the tribes, where they fought with the British with their bows and arrows and had risen in revolts intermittently, though forced to be satisfied with small concessions since incomparable was the might of Raj. 'Local trains would come in the evening full of Adivashi women in fine saris, high-heel shoes, face full with powder and coloured with rose and lipstick imitating the women in the town in no time, to return in the morning back home with money and presents. The lure of an easy life cannot be resisted

and the weakness of man cannot be helped'. I would have agreed if I had not met Bhumis, Gagaris, Ayatis, Lakshmis, Manglis in wilderness and those wounded bisons of the woods around Bailadila.

Even in Jagdalpur I was told by some that I had deprived the parents of the girls of small gains which they could make in these innocuous ways. I listened patiently as all this was time-filler for those who are operating the System from vantage points, partners in the gains of ravages, direct and indirect, in accordance with the rules and the law, where the poor carry the crushing burden of the System engaged in the incessant raw struggle for life, to be told to work hard by those who could never see his journeys to the field, the arduous work and a little rest to dry sweat of his brow even before beginning of 'their day'.

How would you feel if Lakshmi was your daughter?' was my only reply to all, simple and dry.

'Come Again....and Again'

The Maha Panchayat continued its sittings for a few months and settled many cases. But there was no new thrust. And, the old momentum gradually wore off. 327 girls in all had been married. That was the final tally. The Ashram accommodated some fifty of them, whose cases remained unresolved. *It became a sanctuary for girls in the area where they could come when in distress either in their village or in the town.* Many returned after the storm was over, some got jobs, some were taken by their former men, some got married, but still others came. Thus the process continued. As Mahiala Ashram was not in full conformity with the rules of those institutions, it was finally taken over by the Social Welfare Department keeping its name unchanged.

I visited Bastar many a time thereafter, though the frequency was reduced as time passed. A visit to the Ashram, the quarter of Bhumi, Ayati, whose children were growing was an invariable must. The girls in the neighbourhood would gather as I reached their homes and sit on the cot; they would tell me latest about many others about whom I could have just a faint recollection. The old Baba, a man from Karnataka, the *Mali* of the International Guest House who had seen these girls grow, since they had come first to work on those buildings when they could hardly cover their bodies, was specially happy with

my visits. He confided in me 'Sahib, you should come more frequently. You remember that Fagani, she had gone to her village as her *Bangla* husband treated her not well. When the news came that you are coming, he went to the village, begged of her to return, fearing lest she may come. The *memsahibs* are also unhappy, as no Muria girl would come and serve as maid. 'So what?', they have nothing to do at home. Gagri had a child the other day, otherwise she would have come to see you. She had begged me to take you to her home'.

As the time passed all was not well. There were also some jocular remarks like 'Widows of the Collector'. Baba however emphatically assured me 'they are lone voices; all are happy, but Sahib, you must come, again....and again'.



How Civil is the Civil Marriage ?

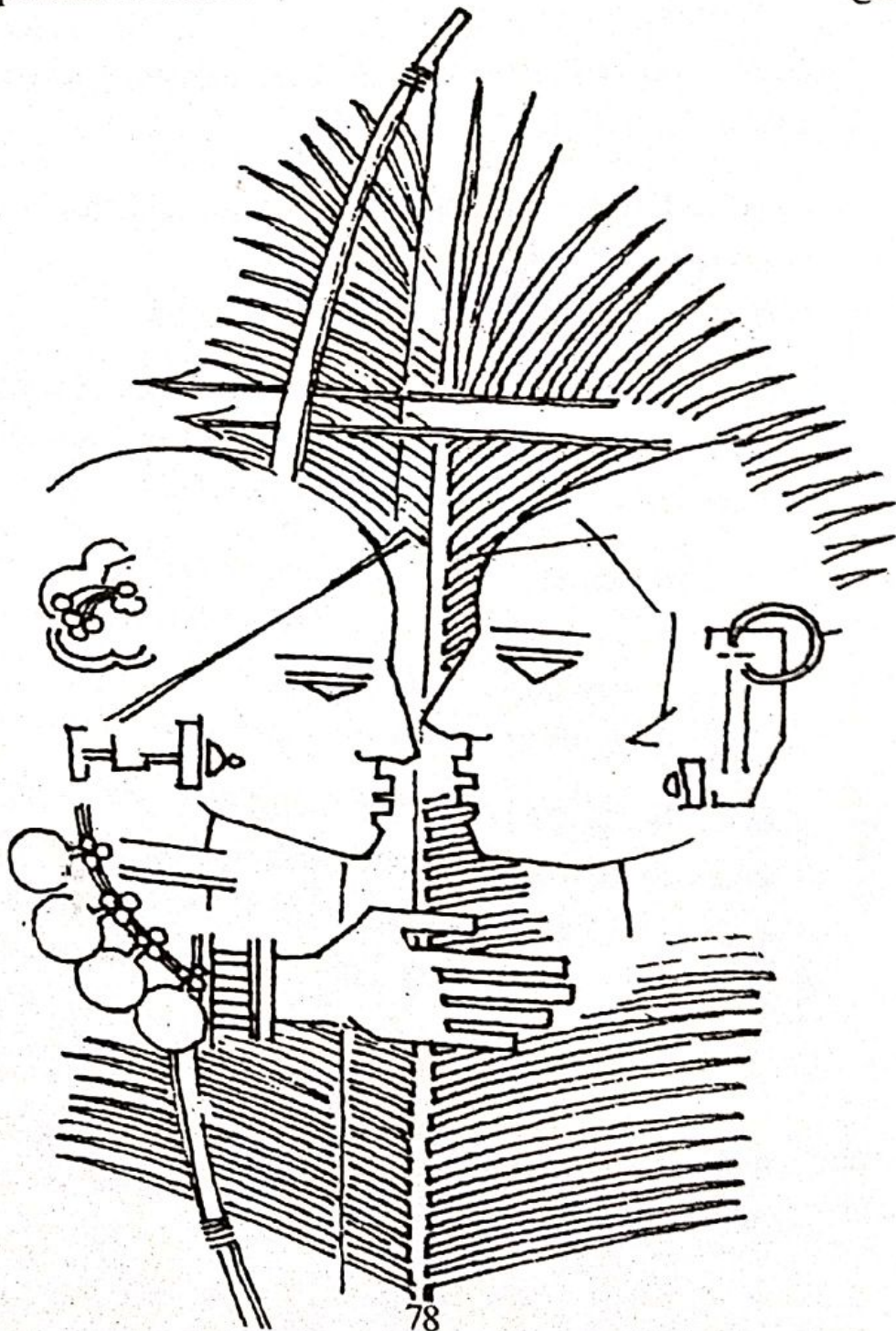
Civil marriage is readily accepted as an insignia of modernity and progressive out-look. The traditional forms, particularly of the tribal people, may be dubbed as archaic and uncivilized by the ruling elite. The great tragedy, which innocent children of nature may face as in Bailadila, is perpetrated by the clever outsiders under the cover of this myth. A little reflection on the basic elements, on which various forms of marriages are founded, will explode this myth and expose the knavery of these clever people.

The basic elements of different forms of marriage can be summed up briefly as in the following.

- (i) **Tribal Custom:** A solemn promise or exchange of words between the boy and the girl.
(*Essence : solemn promise*)
- (ii) **Hindu Form :** A solemn promise, but in the presence of a witness, which can be a deity, holy fire and such like
(*Essence : solemn promise + witness*)
- (iii) **Muslim Form :** A solemn promise, but in the presence of a maulvi or priest as witness which has also to be recorded in a register with signatures of all concerned.
(*Essence: solemn promise + witness + signatures*)
- (iv) **Civil Marriage :** A notice of thirty days by the boy and the girl about their intention to marry, a solemn promise in the presence of Marriage Officer, to be recorded in Marriage Register, duly authenticated by all concerned.
(*Essence : solemn promise + witness
+ signatures + the procedure*)

Thus, tribal marriage is founded on simple trust. It is followed by Hindu form in which trust is not undiluted, but has to be reinforced by

witness. The Muslim form further insists on these airy elements being put on paper. And, the marriage called Civil has to conform to the procedure as laid down in the law. Should the *babu* make an innocent slip while typing the notice, which reduces the notice period by a day, from 30 to, say, just 29, the marriage, if challenged in a Court, would be deemed as *null and void, ab initia*. There is no place for pleadings of the girl about how solemn were their pledges, and how deep were their feelings for each-other, simple and pure. The bond of faith amongst tribals persists while the form of the civil contract crumbles unrecognizably.



Important Documents

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Cronology of Important Events

Early 1960s: Rail line is laid in the remote forest region of Bastar and iron ore mining is started at Bailadial.

September 1969: Chance posting of Dr. B. D. Sharma as Collector and District Magistrate, Bastar.

July 1970 : Night halt at Kirandool village *thangudi* as a part of general tour programme laying bare the ugly reality of confluence of two cultures.

October 1970 : A special survey of the girls in the villages of the area from which girls were reported to have gone to Bailadila or whose whereabouts were not known.

January-March 1971: Survey of girls mentioned above as a part of census operations.

20.4.1971: Order under Section 144 issued prohibiting employment of girls below 25 years of age as domestic servants without prior intimation to a designated officer.

30.5. 1971: The *first* meeting of community leaders of the area is held. The assembly formally constitutes itself as *Adivasi Maha Panchayat*. The relationship of 18 couples is formalised with issue of marriage certificates, besides other rituals performed by the Maha Panchayat.

13.6.1971: *The second Adivasi Maha Panchayat* is held at Bade Kameli and relationships of 57 couples are formalised

16.6.1971: A SOS telegram alleging forced marriages with adivasi girls is sent to the Chief Secretary by 'Officers of Bailadila'

19.6.1971: An Officer, who successfully maneuvers to wriggle out of the consequences of living with a girl, appeals to Commissioner Raipur for protection against apprehended physical violence and being falsely involved in criminal cases .

20.6.1971: The *third Adivasi Maha Panchayat* is held at Bachheli and relationships of more couples are formalised

28.6.1971: The *Sanyukt Khadan Mazdoor Sangh*, Bailadila sends a complaint to the Union Minister against forced marriages and *appeals for being saved from the deadly hands of the antisocial and provincial minded lunatics*

2.7.1971: The first brief reply is sent by Collector to the State Government conveying that everything was in order with promise to send a comprehensive report.

20.7.1971: The Government of India asks the State Government to send correct position about alleged forced marriages.

3.8.1971: A case is filed in the Civil Court by an employee for injunction against the deduction of one-third of his salary every month and payment to a girl with whom he was living but could not be married because he was already married.

7.8.1971: Collector sends a comprehensive Report to the State Government covering all possible aspects of the situation.

9.8.1971: Another Civil case is filed on similar lines as above.

Maha Panchayat Meetings Continue Every Fortnight

15.9.1971: The State Government is again informed that allegations are baseless and detailed report is again sent.

Maha Panchayat Meetings Continue

6.10.1971: State Government writes to Collector insisting on pointed reply about the allegation about *possible attempt* to institute false cases and the provision of law under which the impugned Order was issued.

3.11.1971: *The Collector writes to the State Government taking exception to the way quarries were being made, asserting that his orders are legal so long they are in vogue and opinion of any person including the State Government has no value in this matter.*

20.11.1971: The Collector is transferred from the District as a sequel to confrontation with the Government on another issue and is appointed as Director, Public Instructions, Bhopal.

18.2.1972 : The State Government calls explanation of the former Collector on numerous formal points as precursor to disciplinary action.

9.3.1972: The case is not pursued by the Government, as it is told by Dr. Sharma, *albeit* in non-confrontation style that everything was done by him for protecting the interest of the common man and he believed that no one has been hurt because of those orders, nor have the rights of any one jeopardised. Moreover in any case Dr. Sharma was away from the scene.

OFFICE OF THE COLLECTOR AND DISTRICT MAGISTRATE,
BASTAR DISTRICT

Camp Kirandul Dated, 20th April, 1971

Order

A recent survey in Dantewada *Tehsil* regarding the impact of the new industrial activity in the region has brought to light that a number of girls are away from their villages, whose whereabouts are not known. The Survey has also brought to light that a large number of girls have been seduced by undesirable elements who have lived with them for some time and left them without even giving their true names and addresses. The girls have children from these persons, left to fend for themselves and many of them are now outcast in their own community. The situation has reached a point where an emotionally surcharged atmosphere prevails in this area and it may result in unhappy incidents and ultimately in disruption of peace and order. It is, therefore, expedient and necessary that effective steps are taken so that the law and order is maintained and the unlawful elements are brought to book as also the girls, who and whose guardians are different, are given due lawful protection.

1. No single individual living in the Bailadila Complex shall employ as a domestic servant an unmarried girl below the age of 25 years without prior approval of an officer designated for this purpose.
2. All those who are living with the local girls as man and woman shall give full particulars about themselves and the respective girls to the S.D.M. Dantewara in writing within 15 days of the issue of this Order and also a proof to the effect that they have been married in accordance with the rites of either party to the marriage contract accompanied by an affidavit to the same effect.
3. Any individual or private establishment employing a single girl below the age of 25 years, who is not working in a group of her relations or fellow villagers, shall give full particulars of the girls engaged, including particulars of her residence etc. to the SDM.

Sd/-

(Collector & District Magistrate)

End. No. K/AL/71 Camp Kirandul dated 20th April 1971

Copy to: All Establishments in Bailadila Complex with the request that the contents of this Order should be brought to the notice of their employees for strict compliance. Legal action shall be taken against those who fail to comply with these instructions.

Sd/-

For Collector & District Magistrate

Government of Madhya Pradesh
General Administration Department: X Section:

Bhopal,
dated 16th June 1971

Dear Shri Sharma

Copy of the telegram dated 14.6.1971 from Bhansi, Bastar received by Chief Secretary is as follow -

“Collector Bastar instigating local Adivasis and harassing employees of Bailadila and forcing marriages with Adivasi Girls without investigation. Immediate intervention and enquiry needed. Please intimate action taken.

Officers of Bailadila.”

I am directed to request you to send a detailed report at the earliest possible.

Yours Truly,
Sd/-
Under Secretary

Dr. Brahma Dev Sharma
Collector, Bastar
Jagdalpur

Shri
Mine Surveyor,
B.I.O.P. Deposit No. 5,

Bhansi
dated 19.6.71,

The Commissioner,
Raipur

Dear sir,

On 12th June 1971, I was served with summons to present myself in person at Kameli village by the S.D.M., Dantewada along with my maid servant. After reaching there I found that the District Administration was using force indiscriminately over all the individuals who had also been served with summons of the same type, for marrying local adivasi girls.

A farce of so called Panchayat was also created and the local authorities in certain cases forced the individuals with active co-operation of the local police

I was also told to marry my maid servant which gave me a terrific mental shock as I am putting on with my wife and children and my relations with my maid servant are far from the type which should lead to marriage. My maid servant was physically tortured for more than 5 hours by different persons. But fortunately for me she continued to speak truth & denied all the malicious, dirty and fictitious charges made by the officials and the so-called *Panchayat*. When their every effort failed, the authorities and Panchayat *got her married to the person whom she wanted to marry.*

From the attitude of State Government officials present there and the information I have received through reliable sources, I have every reason to believe that State Government officials have *decided to falsely incriminate me in any of the criminal charges* and I am sure that the local administration may arrange to cause physical injury, assault etc. through their *gundas or adivasis instigated by them*

who were present there in large number at the site and were lending an active support to the local administration.

I may, therefore, request your goodself to take necessary action and ensure the personal safety of my, my wife, my children and my ex-maid servant with her husband *so that as a citizen of India I may have adequate protection against the hostilities which I have already endured on 13th June, 1971.*

It may not be out of place to mention that *I am a responsible officer of National Mineral Development Corporation and I was badly humiliated by the State Government authorities by issuing me a summon to present myself before the so called Panchayat and by framing all dirty and unbearable charges against me in presence of labours and lower staff of the Corporation.*

I once more request you to take personal interest in the case and kindly issue suitable instructions to your staff. Otherwise, if anything happens to me and the persons mentioned above, responsibility will lie on you.

Your goodself may conduct a personal enquiry in the case.

Your faithfully B.I.O.P. Deposit No.5 Sd/-
Mine Surveyor

Copy to Chief Secretary

Madhya Pradesh Government
General Administration Department

Bhopal dated 3.7.1971

Copy forwarded to Collector, Bastar in continuation of my d.o. letter of 19.6.71 for report with the request that suitable arrangements may be made for providing necessary protection mentioned in the application to the applicant and other persons.

Sd/-
Under Secretary

GOVERNMENT OF INDIA,
Ministry of Steel & Mines & Metals
(Department of Mines),

Shri S.B.Lal,
Joint Secretary,

New Delhi
dated 20th July, 1971

D.O. Letter No. 4 (16) 71/MIV,

The Chief Secretary,
Government of Madhya Pradesh,
Bhopal

I am enclosing a copy of letter No. SKMS/BLD/71, dated 28th June, from the Secretary, *Samyukta Khadan Mazdoor Sangh*, Bailadila, to the Minister of Steel and Mines, regarding forced marriages with Adivasi girls in Bailadila complex. I am also enclosing a copy of order dated 21st April, 1971 reported to have been issued by the Collector and District Magistrate, Bastar, which we have received from our Public Sector Undertaking, the National Mineral Development Corporation Ltd. The enclosed Order of the Collector and District Magistrate *does not mention the legal provisions under which it has been issued.*

I shall be grateful if you will please let us know the correct position. We have no doubt that the State Government will ensure that *no illegal action is taken against any employee of the NMDC. Ltd.*

Yours Faithfully
Sd/-
(S.B. Lal)

Copy of letter No. SKMS/BLD/71, dated 28-6-71 from Shri.....Secretary, *Samyukta Khadan Mazdoor Sangh* addressed to Minister, Steel & Heavy Engg. & Mines, New Delhi.

Sub : Forced Marriages in Bailadila Complex.

The recent incidents that have taken place in Bailadila Region have made the employees completely panic stricken. Forced marriages, illegal salary attachments, unlawful trespasses etc. have become the order of the day. The Collector of Bastar along with *his henchmen* is permanently camping in the project area and inflicting serious harassments to its employees. He serves *illegal summons* to the employees direct and if any one makes any sort of resistance, he is being beaten and forcibly dragged from the departmental quarters by the police without even seeking the permission of the project authorities. False complaints are being made *out of personal prejudices* against certain employees and officers who have kept maid servants. Collector immediately issues the summons without even verifying the genuineness of the complaints. He has mainly incited the *adivasi* people of nearby villages and *arranged Panchayat meeting in the Bailadila area in order to cover up his inhuman and irrational move.*

The forced marriages *are very often conducted with wide publicity and also in the presence of general public, State Government Officers including their families, press reporters and police, at various parts of our area wherein our employees are insulted very badly and are sometimes beaten up and also are made to beat by adivasis. People are not even given full opportunity to explain their conduct and position. On the other hand, they are being compelled to marry, or to sign the form for attachment of 1/3rd portion of their salary every month and they do it due to the fear of the police and adivasis who are mainly instigated by the Collector himself. The press reporters and the lawyers of Jagdalpur were the witnesses of the above incident while they were at Bada Kameli on 13-6-1971. Things are not confined to the forced marriages alone. Collector openly declared that the*

Adivasis and local people might uprising and attack the Bailadila people at any time for which he would not be responsible. There are concrete instances of the local people being instigated to gherao and throw the employees of Bailadila out of Bastar. For all such calculated move Collector has the backing of a handful of senior officers of the Project.

Under such pressing situation, the employees feel a sense of insecurity of life and property for which the district authorities alone are responsible. *We fail to adduce the reason as to how the Panchayat with the instruction of the Collector can enforce their action on the employees of the Bailadila Mines as they do not reside within the jurisdiction of the Panchayat and its functioning. We are afraid that our honour, life and property are at stake and at any moment anything may happen here. It is also heard that arrest warrants are being issued to some officers and staff who have raised voice about this. It is surprising that the local management, in spite of all the above incidents, have turned completely a deaf ear to the burning situation.*

Realising the gravity of the situation, we seek your immediate intervention in the matter and to save us from *the deadly hands of the antisocial and provincial minded lunatics*, failing which we are afraid the *industrial peace and harmony* of this area will get jeopardised.

Hoping to be favoured,

Yours Sincerely,
Sd/-

Copy to the Director (Production) NMDC Ltd., Visakhapatnam (AP) for favour of kind information and immediate necessary action. He is requested to kindly pay a visit to Bailadila for studying the situation prevailing here in person.

Dr. Brahma Dev Sharma
Collector,
Bastar.

Bhopal
July 2, 1971

Under Secretary, G.A.D
Govt of M.P.
Bhopal

Kindly refer to your demi-official letter mentioned above. There is no substance in the facts mentioned in the telegram. I am trying to provide a firm foundation for law and order in this area and for establishing a system to ensure that protection of law is available to poor tribals. In this situation, it is natural that those people may become restive, whose interests have been served or who have been committing atrocities in the absence of law and order and send such telegrams. The entire proceedings till date have been conducted in the presence of Adimjati Maha Panchayat, senior officers, honourable citizens and employees of the Project. Therefore, any question of forcible action simply does not arise. A detailed report in this regards is being prepared whose copy will be sent to you

Yours Truly,
Sd/-
Brahmadev Sharma

Dr. Brahma Dev Sharma
Collector
Bastar

Jagdalpur
dated 7.8.71

Under Secretary GAD
Government of M.P.
Bhopal

Sub: Complaint about marriage of tribal girls with Bailadila Project Employees.

Five copies of detailed report (Bailadila Issue) on the above mentioned subject are enclosed for your information which throws light on the factual position.

Yours Truly,

(Dr. Brahma Dev Sharma)

A NOTE ON BAILADILA ISSUE

Dantewada is a backward region of Bastar. Rich iron deposits are located in the hills of Bailadila in this area. Industrialisation began in this region all of a sudden on the basis of planning at the national level. Accordingly, a railway line was laid. It marked the beginning of development of Bailadila, Streams of people from out side started arriving in search of new opportunities. Thus, a new culture of industrial world was introduced in the simple socioeconomic situation of this backward region. The area became the meeting place of two different cultures. On the one side, was the tribal society. The simple tribal neither knew the language, nor was he in a position to have a dialogue. He was unaware about the laws of the lands; even his rights have remained unwritten and unrecorded even now.

These backward areas hitherto before were beyond the reach of normal administration. The people were leading a simple natural life. Men and women had equal status in this society. The woman in a way could be said to be to the 'man' of the family. All relationships were in a way natural. It was in this natural setting that a new economic System got implanted which is based on the power of money. In the new System man is the bread winner, and woman the 'housewife', away from the humdrum of economic activities. Competition is the ruling spirit. The people are conscious about their rights. Moreover, they also know the weaknesses of other societies. They know how to take advantage of the new situation. In their paradigm, no action of theirs can be treated as an offence or a crime, unless it is established and punished under the law.

The members of general administration are located between these two societies with totally different frames of reference. In fact, the members of the administrative system are nearer the new industrial world because they are essentially parts of similar social Systems. They are also zealous to partake in the benefits of industrial world which is laden with wealth, power and new opportunities. In

this situation, so far as the tribal people are concerned, the administration and the new industrial world appear as one group or the same entity. In his perception there is no difference whatsoever between them. The law, which is expected to provide protection to all without any discrimination, has proved to be a great shield for the new powerful industrial world alone.

The tribal's first reaction was to escape altogether from this contact. But as time passed, he took some courage to come nearer the same. Slowly groups of boys and girls started visiting the area freely without any hitch, some times for fun, some times for the sake of change for a week or two, to earn a little money for meeting their odd requirements. They also gradually came to know about many new things of the new world. They came in contact with all sorts of new elements as well. It is in the frame of this natural and free breeze flowing in the area that covetous eyes of the perverted fell on the natural relationship of man and woman. The tribal girls became their easy prey and unfortunate victims as time passed. Here is a peculiar situation where the doors of the industrial township are wide open for the girls. The tribal boys, on the other hand, are of no 'use' except as unskilled labourers. Consequently they have to strike against a solid wall and have to go back home disappointed. Thus girls started getting preference even in ordinary labour work. As she got entangled in the queer world of employment and unemployment of the industrial society, at times she got detracted and began to serve even in the homes of new comers and attend to domestic chores. Small allurements of all sorts came her way in no time. Some one offered a place of rest for her; some one gave a gift of annas four for making small purchases in the market; some one gifted a saree to don. For young girls of tender age, say, of 12 to 13 years, who had just come from remote forests and dales, these proved to be overwhelming temptations. She entered their homes as a maid, but soon became victim of their sexual advances.

There was time when the only punishment for any one who dared to touch a *Muria* girl was "death". Even today the people do not hesitate to impose sever most punishment on their own members in case of violation of their strict code. It is just some time back that a

boy and a girl were done to death for violation of their custom. The community on both sides took this decision with one voice, with no dissenting note. It is this society, which has been protecting itself and its honour even staking their life, which is in a state of utter confusion in its new contact with an extremely powerful society. Some years back the daughter of a tribal chief was involved in an affair with an official of the company. The entire community rose as one person to take revenge by cutting him into pieces. The tragedy was avoided by, what is termed as, 'tactful' administrative intervention. The offender surrendered before the community leaders and confessed before them his misadventure. He was prepared to accept such punishment as they may decide to impose. The simple society in this situation was confused. What could be the nature of possible punishment in this case, in lieu of death and excommunication as per their tradition, except imposition of fine? A fine of rupees two hundred or more was the natural answer. So a fine of *kori-kori* or four hundred rupees and a feast was decided.

Here was the case of two altogether different systems confronting each other. Fine is a severe penalty in the simple society because money is the most scarce commodity. On the other hand, in the new society, with which it is now dealing, that money has practically no value. The administration did not take the caution of making them appreciate this basic difference. The result was catastrophic. In course of time, monetary fine became an accepted norm for dealing with cases of illicit relationship. Some times the fine could be two hundred and at times it was just one hundred. In course of time, even this was not obligatory. The simple tribals reconciled with the new situation. If a girl had gone away of her own sweet will, what could they do?

It is not that this happened all of a sudden and the community did nothing to protect the honour of their girls. In case a girl comes to Bailadila and gets lost here, all efforts are made to search for her. Her parents would start from their village with a *potli* of rice. They would go from place to place in her search for months. A husband would search for his wife in every nook and corner of the new township. He does not know their language; he does not know the ways of the new world. He is helpless before the invisible, impregnable wall around

that mysterious world. He may be even beaten up by the *babus* for making what they thought as odd enquiries. He even approaches the police; the report may be recorded, but with no action whatsoever. He does not leave any stone un turned, but all in vain; he is obliged to accept the ways of the modern powerful world as natural. Some times he would even think of resorting to the good old ways of direct attack. But the fear of unknown subdues his wild fury; he is overwhelmed and dissuaded from that extreme step. In the beginning one girl falls from the path and got entrapped. Two others later accompany her and get in there. There is a new opening of sorts for the young girls now. Some weaknesses of the tribal society itself become instrumental in accelerating this process. Marriage among persons of unequal age is sanctified by custom in some cases. Polygamy is quit common. In case of family quarrels and even separation, the woman can move out with ease, but she still remains within the community. But now the doors of Bailadila have been thrown open for her. There are countless 'customers' prepared to bid for her body. Therefore, once she reaches Bailadila there is no difficulty in getting a place somehow somewhere.

If this relationship is enduring, if that relationship is based on confluence honesty, it can be accepted as natural of two cultures. But an average tribal girl has come to be regarded only a thing of play for them. There are some stories which portray her as a part of household effects, which are handed over to the new incumbent for a consideration. They are treated like animals. Some people have started taking these girls out side the area. It is said that they perform the ritual of marriage here and take them out for sale elsewhere. These were just stray events in the beginning which evoked no action. The parents of many a girl were perplexed. They did not know what to do as their girls were lost in that wilderness. Even we do not know what happened to many of these girls.

The honourable member of the new society of Bailadila after a year or two visit their original homes, get married in their own community and have no hesitation in bringing their wives along. The local girl is just thrown out to wander in the wide world, an object of scorn at every step, sometimes with a child in her arms. The tribal community does not accept her back in the society. She simply cannot return

to her parents. Because they may face the penalty of excommunication. She is an untouchable. With advancing age, she is not welcome even as an ordinary labourer. She has no one to care, she has no place to go. Many such girls can be seen wandering in Bailadila, with their future as the biggest question mark before them!

It is not that this situation may have come to light for the first time. When the railway line was laid in this area many such cases were reported. They attracted attention of the people. The simple reply in modern language was that *this is an inevitable price of industrialisation*. But those who spoke thus, were not from the group which had to pay the price. Those who were paying the price were totally unaware about the very concept of industrialisation, or about justice in the modern parlance, and such like. The elite was able to satisfy itself with this rationalisation. The vicious net of industrialisation continued to expand and the problem assumed demonic form.

This problem came to my notice by the time 1971 census was started. I thought that this opportunity could be used for collecting some information about the same. The *patwaris* of Dantewara Tehsil were directed to prepare a list of such girls from every village who may have gone away from the village, or who may be residing in Bailadila. A list was prepared which concerned 320 girls in all. In case of 150 girls, the addresses and the persons with whom they were living could be ascertained. About other girls nothing could be said for certain. It was possible that some of them may be living with some persons, some may not be living with any one, or they may have even gone out of Bailadila. The village people had no information about them.

In the face of such a terrible situation, it became necessary to take some effective measures for its resolution. In the new setting, the girls had not only become a thing of play and enjoyment but had also become an instrument for gaining benefits politically. In March last, an agitation was launched using these girls as a cover in which even force had to be used. A strike for ten days followed. The dispute started on the issue of the condition of girls. But the strike got transformed with focus shifting to other demands. In the end, there was no one even to allude to the problem of these girls. I was pained to find that common perception of outsiders about the girls is as if they are just a peculiar

species of animals. An unstated premise of the people in the new world of Bailadila was that the girls were a thing of play and enjoyment. I came in close contact with these girls during the said strike. It was then that I came to know about the real situation about them. The picture was heart-renting. *I was convinced that if the administration was not able to protect the homes of the simple tribal people, it had no meaning, it had no legitimacy.* In my view, if the law is used with care and empathy, it can become an effective protective shield of the poor. The situation would stand out in contrast with the present one, where it is being wielded as an impregnable shield by the strong. With this decision, I passed an Order in my capacity as the District Magistrate to eradicate this evil and as a lasting solution to the problem. There were three directives in this order:-

1. No single individual living in the Bailadila complex shall employ as a domestic servant an unmarried girl below the age of 25 years without prior approval of an officer specially designated for this purpose.
2. All those who were living with the local girls as man and woman, shall give full particulars about themselves and the respective girls to the SDM Dantewada in writing within 15 days of the issue of the Order and also a proof to the effect that they have been married in accordance with the rites of either party to the marriage contract, accompanied by an affidavit to the same effect.
3. An individual, or a private establishment employing a single girl below the age of 25 years, who is not working in a group of her relations or fellow villagers, shall give full particulars of the girls including the nature of engagement, the particulars of her residence and such like to the SDM.

Now the problem before me was how to give effect to these directives and how to solve the problem which I had taken up. *No administrative action can succeed in tackling an issue so long as there is no social consciousness about the same and the community is not aware about its right.* It was in keeping in this basic premise that I decided to place the problem before the tribal chiefs of Dantewada Tehsil in a meeting specially convened for this purpose. They should also be told about the legal provisions in that regard and

the way how they, as a community, could proceed further. The first such meeting was organized on 30th May 1971. About 200 people participated in this meeting. *They analyzed the problem with unusual verve.* They also tried to understand the fine nuances of the situation. I also decided that it would be proper if the opportunity of this meeting were used to get some of the persons against whom we had received complaints to the effect that they were living with tribal girls and had the facts at first hand. Eighteen such couples presented themselves in Kirandul village before this Assembly.

The first decision of this Assembly was to constitute themselves into what is termed as *Adiwasi* Maha Panchayat for Dantewada which would attend to this social problem on a continuing basis. The Maha Panchayat accordingly took the following decisions in its first meeting.

1. The Maha Panchayat will have full authority to decide about the social relations between the local people of Dantewada Tehsil and persons coming from out side, particularly those living in Bailadila and other towns. Marriage relationships and such like will be specially covered by these relations. It is also decided that where a girl from any village establishes a relationship with any outsider, the Village Panchayat will not have the authority to take a final decision in that regard. A final decision in such cases shall be taken only by this Maha Panchayat which shall be binding on all concerned. If any person, or a Village Panchayat takes a decision in such matters on its own, the concerned person will be excommunicated and so long as the Maha Panchayat does not take a decision in this regard no Village or Caste Panchayat will have the right to take back that person in the fold of the community.
2. The Maha Panchayat shall keep full information about all girls and women working in Bailadila and shall exercise full vigilance in their case. The Maha Panchayat also directs that no person shall allow his unmarried daughter to serve as a domestic servant in the household of unmarried person, or a person who may be living alone. If such a case comes to light the Village Panchayat will take suitable decision. If the matter is not resolved satisfactorily at the Village Panchayat level, the matter will be referred to the Maha Panchayat. If a person encourages his daughter to take up such a work be-

cause of allurement, or does not prevent her from doing so on his own, he shall be excommunicated. If a girl takes up such a work against his will, it will be his duty to inform the Maha Panchayat about the same. In that case, he will not be excommunicated. But in case no such information is given, he will be excommunicated and will be taken back only after he undergoes the punishment which may be awarded by the Maha Panchayat.

3. The Maha Panchayat also hereby directs all Village Panchayats that they shall furnish to the Maha Panchayat full information about all women who may be working alone and living outside their group. In case, this information is not furnished, action will be taken against the Village Panchayat itself.
4. The Maha Panchayat also directs that the Village Panchayat will not be competent to give recognition to the man-woman relationship between a local girl and an outsider. The Maha Panchayat shall have the exclusive jurisdictions over such cases. The Maha Panchayat will have full authority to accept such relationships as per their local custom, or refuse to recognize the same.
5. The Maha Panchayat will also keep an eye on such matters concerning tribal girls coming to Bailadila from other Tehsils. The Maha Panchayat expects that Bailadila Administration and local administration shall exercise due caution while giving employment to women so that no one can take undue advantage of their innocence.

We placed before the "duos" the decisions of the Maha Panchayat and asked them as to which of the alternatives they would prefer to adopt. If they accept that they are living as man and woman, they must get into marriage bond. If they do not accept the man-woman relationship in their case, they should be ready to face due legal process. The only difference between the earlier situation and the present situation is that earlier the innocent girl was alone, there was no one to stand by her. Nor did she know the legal implications and the method of redress. It was purely her personal affairs. The Maha Panchayat now has decided that it is the responsibility of the Maha Panchayat to give relief to every girl. Therefore, the Maha Panchayat will accordingly take up legal action.

Out of the 18 couples none denied the man-woman relationship. They formally entered the marriage alliance. One person Shri Thomas after marrying the tribal girl had gone to Kerala and had en-

tered a second marriage alliance there. He accepted the responsibility of providing maintenance to his first wife. He swore an affidavit before me to that effect.

The second Maha Panchayat was held on 13-6-71 at Bade Kameli Village in which 57 couples were presented. All of them accepted to get into formal marriage alliance. An important question which arose in this Maha Panchayat was that the dimension of problem which the Maha Panchayat was face-to-face with, was stupendous. Not only the girls from Dantewada were involved, but a stream of girls coming from far off places, get lost in this region. Therefore, *it was decided that all respected people from the entire Bastar will be invited to the next meeting.* Every one in accordance with the original decision could not be informed for lack of time. Even then, a big public meeting was held on 20-06-1971 in which selected people from entire Bastar participated. The Assembly enlarged the ambit of Dantewada Maha Panchayat and the jurisdiction of Adivasis Maha Panchayat covered Bastar, as a whole. The Maha Panchayat also decided that a similar body will be constituted in every Tehsil which will take up similar issues for resolution.

The third meeting of Maha Panchayat proved to be momentous. The problem in its *entirety* was deliberated in this meeting. A sincere effort was also made to look at the weaknesses of the community itself. They came to the conclusion that their ignorance and poverty were the main reasons for this situation. Moreover, as the girls and the concerned persons were presented before the Maha Panchayat some other important issues also came to the fore looking to their age, marital status and such like. Maha Panchayat was deeply concerned about the same, such as -

- (i) The first problem related to those minor girls who were living with others without telling or even the knowledge of their parents. Five such girls between the age of 12 and 16 were presented before the Maha Panchayat. There was a big dilemma. Here were innocent faces demanding compassion. But on the other hand, if out of such a feeling of compassion they were allowed to go with the offenders, the escapade of such minor girls would never stop. Therefore the Maha Panchayat decided to start legal process in their case. All the five cases were, therefore, reported to the police.

(ii) Similarly the Maha Panchayat faced the question of those married girls who after deserting their husbands had started living with other men in Bailadila. So long as a woman deserts her husband and starts living with another man within the community, both the parties are amenable to the social discipline and accept the punishment. But after reaching Bailadila, there is no social control and they are also outside the purview of law. The Maha Panchayat decided that so long the marriage is not dissolved according to the tribal custom, legal action shall be instituted against them. Therefore such persons should also be handed over to the law and order authorities.

(iii) Besides this, the community had also the question about handling those cases where the girls were living with persons belonging to other religions. The Panchayat decided that they will legitimise only those marriages where the concerned person agreed to become a member of their community.

The Maha Panchayat also took certain decisions about regulating their own social customs. The following are the more important ones -

- (i) regulation of polygamy,
- (ii) stringent control over 'unequal' marriages
- (iii) direction for compulsory education to every child to wipe out ignorance from the community

These decisions are very important and grave. Even if a modest beginning is made to implement them, the local community can become a path-breaker of success.

The Maha Panchayat also decided that it will meet regularly once a month. It also desired that the administration would provide necessary support to it. *Since the Maha Panchayat had assumed grave social responsibility unto itself, full governmental support was promised. It was further decided that a continuing relationship should be established between Maha Panchayat and Gram Panchayat so the directions of Maha Panchayats can be communicated to the village level and it can be ensured that the directions are followed.* There are 'Tribal Panchayats' in Bastar and there is a secretary for every two or three Tribal Panchayats. At the moment, Tribal Panchayats are not active and these secretaries have no

work. Therefore it was decided that the secretaries must attend Maha Panchayat meetings. Efforts will also be made that the Sarpanchas also attend these meetings. In these meetings, the work done at the village level during the month will be reviewed. It will be the duty of the secretary to ensure that the decisions of Maha Panchayat are implemented. In case directions are disobeyed, the Maha Panchayat shall take a final decision.

It is also proposed to start a programme of intensive economic development in this area. The Panchayats are generally inactive but a new social consciousness has been engendered because of the state of social struggle in Bailadila. The people have started realizing that their side in this struggle is weak simply because they are poor. Many people have expressed this view in simple broken words in the Maha Panchayat. The administration had only two options - either wait for explosion of the suppressed feelings of suffering people, or use the energy of these feelings for meeting the social challenge and removing basic deficiencies by systematic social analysis. We adopted the second option and we hope that this Maha Panchayat can make valuable contribution not only in social matters but also in economic field. It will be possible to deploy its energy for regional economic development. In this way the mechanism created for a social work will be useful for economic development.

The first decision of the Maha Panchayat is that every tribal shall send his child to the school compulsorily. This is an important step. This will be one of the most effective measures for control over educational institutions in this backward region because every Gram Panchayat will now be vigilant about education and schools. It is hoped that the present state of utter disorder will end, wherein some schools there are no teachers, in others there are no children.

On 20.6.71, some very unfortunate cases of girls of tender age were presented. When strong action was taken against them, a possibility arose that criminal elements may abduct those innocent girls or may themselves escape from the hold of law. Our information so far has been limited to that received from villages and that too only from Dantewada Tehsil. Now it has come to our knowledge that the girls from all over Bastar are coming to this area. Therefore, it was de-

cided that full information about all unmarried girls in this region may be collected within the next three or four days. In the beginning it was thought that all those people who have not complied with our directions may be prohibited from leaving this area for five days under Section 144 Cr.P.C. But later on, it was decided that it was not necessary. An informal watch will be kept on their movement. We organized four mobile teams which included one magistrate, one police officer, two members of Panchayat and two tribal girls. The entire project area was divided into four zones from which the mobile teams was to obtain information after local visit. Information about 102 more girls has been collected which is as follows -

Adult women living with others	
without marriage	85
Minor Girls (less than 16 years)	15
Minor Girls (less than 18 years)	1
Women whose partners have	
fled away	1
Total	102

It is a matter of deep concern that there are numerous minor girls amongst this group. Moreover, this fact has also come to light that many girls have been brought to this area from Orissa, Bihar, etc. These new facts further reinforce the rationality and necessity of the concrete action taken by us. Initially it was thought that advance action may be started only after some time. But looking to the demonic form of the problem, decision was taken that any delay in action will not be proper because it may jeopardise the interest of innocent girls. That is why, decision was taken to start immediate proceedings in this regard.

It will be appropriate to refer about the action taken by Bailadila Officers' Association because it has been much talked about. *Ordinarily in matters concerning law and order the status of a person has no meaning.* In fact, we can pardon that illiterate labourer who after a day's hard work may chance to do some wrong act, because his mental level is ordinary and his action may be animallike without any thought. But the class of officers is different. They are familiar with the social situation. They are not slaves of animal instincts, but always keep

their own 'profit and loss' uppermost. Therefore, deliberate wrong deeds on their part are unpardonable. They deserve severest punishment before the law. Nevertheless looking to the present social situation, it was considered that no one, anywhere should be unnecessarily harassed. Even though full courtesy has been shown to them, yet they have a grouse as to why they were summoned at all? There is only one answer to this - *Every one is equal before the Maha Panchayat*. The Officers have made mountain of a mole hill. Possibly some of them want the protection of collective action for fear of punishment of their black deeds. Serious difference of opinion has arisen on this issue in the Officers' Association itself because they could not get a firm commitment for their stand. *Most of the decent people in the area have kept themselves away from this controversy.*

In the end, it can be concluded that the social situation in Bailadila had become extremely tense. There was burning fire in the hearts of voiceless tribals with no outward signs, but it could manifest in a big explosion any time. An administrative solution was found for meeting this situation in time. Moreover, a healthy foundation has been laid and direction provided for the pent up feelings of the tribal community. The steps taken by us have proved to be effective. Today the attitude towards tribal girls in Bailadila has changed. *No one in the area can dare to touch a tribal girl like a thing of fun', because he knows that either he will have to enter into marriage partnership or he will have to take the responsibility for her maintenance. And in the absence of these two alternatives, he may have to face the law as a criminal. The tribal community has also come together to resolve this problem. They have forgiven graciously the mistakes committed so far. They have also gone through introspection about their own social system and have tried to make many amends. The fallen and 'untouchable' girls have been given social protection.* I am confident that the situation of socioeconomic conflict which could be explosive, will get normalised soon and this area will be able to move ahead on a firm foundation.

Dr. Brahma Dev Sharma
Collector
Bastar

Jagdalpur
dated 15.9.71

Secretary GAD
Government of M.P.

Sub: Complaint about marriage of tribal girls with Bailadila Project
Employees.

Facts given in the letter are baseless. A note has been prepared
explaining the correct position, whose copy is enclosed for informa-
tion.

Yours Truly,
Sd/-
(Dr. Brahma Dev Sharma)

GOVERNMENT OF MADHYA PRADESH
General Administration Department: X Section:

Under Secretary
G.A.D.

Bhopal,
dated 6.10. 1971

Dear Shri Sharma

Sub: Complaint about marriage of tribal girls with Bailadila Project Employees.

The detailed report sent by you along with your letter of 7.8.1971 does not throw light on the following points -

1. The complaint by Shri ———— Mine Surveyor that attempt is being made to institute false criminal cases against him etc.
2. Under what provision of law was the order dated 21.4.1971 issued by you?

I am directed to request you to furnish the position on both the points mentioned above and also clarify that no wrongful or illegal action has been taken against any one in prevailing situation in Bailadila.

Yours Truly,
Sd/-
(Under Secretary)

Dr. Brahma Dev Sharma
Collector
Bastar

Dr. Brahma Dev Sharma
Collector
Bastar

Jagdalpur
dated 3.11.71

Dear Shri Khare,

Sub: Complaint about marriage of tribal girls with Bailadila Project Employees.

Kindly refer to your demi-official letter dated 6th October 1971. Full light has been thrown on all issues in the detailed report sent by me. It has been shown in the full report that the entire proceedings have been under the law. Therefore it is not necessary for me to give any explanation about point 1. The offenders are used to make such allegations. So far as point 2 is concerned I had sent a copy of my order from which it is clear that the said Order was passed under Section 144 Cr.P.C.

2. I am surprised that the State Government should ask the District Magistrate whether some wrongful or illegal action was being taken against any person. *Every Order of the District Magistrate is for protection of the Rule of Law and so long as his order is in vogue it is legal.* There are appropriate provisions under the Criminal Procedure Code to decide whether such an Order is valid or not and it is only in accordance with those provisions a decision can be taken whether the order is in accordance with law or not. *Any opinion of a person, a department and even the Government about the Orders passed by the District Magistrate or any action taken by him, has no value unless the same is under powers exercised under the provisions of the Criminal Procedure Code.* If any Order or any action is not legal, even an ordinary person can disobey the same for which he will not be liable for any penal action. But a decision about this also can be taken in accordance with prescribed procedure.

Yours Truly,

Shri K.C. Khare
Under Secretary GAD
Government of M.P.

(Brahmadev Sharma)

Government of Madhya Pradesh
General Administration Department

Deputy Secretary

No. 588 / 214 / 1 / X / 72

Bhopal
Dated 18 February, 72

The State Government received a telegram from the officers of Bailadila while you were posted as Collector Bastar that the Collector was instigating the local tribals, was harassing the employees of Bailadila and was forcibly marrying them with tribal girls without any inquiry. A complaint in this regard was also received from Mines Surveyor Shri.....B.I.O.O. Deposit No 5. Thereafter a letter addressed to the Central Minister, Steel and Mines by Secretary *Sanyakta Khadan Mazdoor Sangh* along with a copy of Order of Collector dated 21.4.1971 was also received from the Central Government. Copies of these three letters were sent to you by General Administration Department for sending detailed report.

2. First of all an *interim* reply was sent by you on 2.7.1971 in which you wrote that you were preparing a detailed report whose copy you will be sending at the earliest. Thereafter you sent only a 20 page cyclostyled note and wrote that note would throw light on the entire situation. A copy of the same note was sent by you in reply to the endorsement of 12.8.1971 *vide* your memorandum of 15.9.1971. There was no reply to the complaints in the letters sent by us in spite of the fact that copy of the demi-official letter from Central Government being enclosed along with Government endorsement of 12.8.1971 and the endorsement being mentioned as very urgent, no other note except the cyclostyled note has been received from you.

3. As there was no information about the issues raised in the complaints and letter received by the State Government from Central Government, information on two points mentioned below was asked from you by a very urgent confidential letter -

- (i) the complaint by Shri Mine Surveyor that attempt is being made to institute false cases against him,
- (ii) Under what provision of law was the Order dated 21.4.1971 issued by you?

You were also asked to clarify that in the context of the present Bailadila problem, whether any wrong or illegal action had been taken against any person. In reply to that letter you stated that light has been thrown on all those issues in your detailed note. As is clear from the copy of the cyclostyled note (enclosed), this statement of yours is not correct. You also wrote in this letter that you had sent a copy of your Order in which it was clear that the said order was passed under section 144 Cr.P.C. This statement of yours was also not correct because you had not sent a copy of your Order and in the copy of the Order received from the Central Government, there was no mention that the said Order was passed under Section 144 Cr.P.C.

4. In your letter you had expressed surprise about how the State Government asked you to tell whether wrong or unlawful action was taken against any person. You also wrote that the opinion of a person, or a department, or even the Government has no value unless it is under the powers endowed by the Cr.P.C. The expression of surprise or raising a question by you in this way was not proper because the State Government has full powers to call for reports on complaints received by the State Government. If the State Government is informed that the District Magistrate has passed an Order under some specific provisions of law and in his Court, the State Government will not interfere in the same excluding those cases where the State Government has powers to hear appeals or revision or has powers to of judicial intervention in the Orders of the District Magistrate. For example, the State Government has the power to intervene in Orders passed by the District Magistrate under Maintenance of Public Order Act. The Order of the District Magistrate can be made

effective by him for a maximum period of two months. Thereafter, only the State Government has the power to issue necessary Order. Therefore, it was necessary for you to furnish full information to State Government about the period for which your Order remained effective after 21.4.1971 and what action was taken under the Order. Even otherwise, so long as the District Magistrate does not send a full report, the State Government cannot come to any conclusion in that regard. You must also be knowing that even though in respect of the judicial order passed under any specific provision of law, the State Government instead of intervening in the matter may advise and give opportunity to the concerned person for seeking relief under due legal process. But if it comes to light that some officer, which includes the District Magistrate, instead of properly exercising the powers endowed under the laws, the State Government can strip him of those powers and this action can be taken only if all the facts are available.

5. The Government has been informed that no Court Case was instituted and there are no papers like note sheet etc. in respect of the Order which you passed in Hindi on 20.4.1971 and in English on 21.4.1971 (copies enclosed). Further information has been received that the type of marriages, which have been mentioned in para one of the complaints, were performed until the end of October, 1971.

6. The orders like those which you have passed should ordinarily be passed only when some danger is imminent and that danger cannot be avoided without such an Order being passed. But it has been mentioned in your Order that as a result of those events there is possibility of occurrence of undesirable events and, in the end, of disruption of law and order. It is clear from the use of term 'in the end' that in your opinion there was no imminent danger of disruption of law and order. Such Orders should be passed only after serious consideration of all circumstances and when it is absolutely essential for peace and order and the opinion of the District Magistrate should be based on firm facts.

7. Therefore, it is directed that in view of the facts given in proceeding paragraphs, you may furnish your explanation on the following points within 15 days of the receipt of this letter -

- (i) In your capacity as District Magistrate you passed a wrong Order in Hindi on 20.4.1971 and in English on 21.4.1971. You have mentioned about the said order being passed under Section 144 in your letter sent to the Government, but there is neither any mention of section 144 Cr. P.C. in that Order, and nor such Orders can be passed under Section 144.
- (ii) You have not mentioned any period in the so-called Order under Sec. 144 about its being effective and notwithstanding the fact that you had the power to keep it effective for two month only, you kept the Order effective even beyond the period of 2 months.
- (iii) You did not send report properly on each point even though a report was asked by the State Government with a very important confidential endorsement and you furnished wrong information in your letter of 3.11.1971.
- (iv) On being asked for a report in a letter marked very important and confidential from X-Branch, *which is in charge of specially confidential important matters*, you sent a copy of cyclostyled report, when a detailed confidential report was expected. It was improper to send a copy of cyclostyled letter in this way.
- (v) With whose permission and for what purpose and under which authority did you prepare cyclostyled copies of the report and to whom have the same been distributed?

Yours Truly,
Sd/-
(Deputy Secretary)

Copies of all relevant papers are enclosed.

Government of M.P.
DIRECTOR, PUBLIC INSTRUCTION

Dr. Brahma Dev Sharma

Bhopal
9.3.1972

To
Dy Secretary,
General Administration Department,
Govt. of M.P.

I am to state that I have tried to prepare explanation asked for in the letter under reference within the stipulated time. But firstly, it is necessary to obtain a lot of information, which has been referred to in the letter. It has to be obtained from Bastar. It will be necessary for me to visit Bastar personally. Secondly, because of my new assignment, pressure of work at the end of the financial year and taking up some new schemes as a campaign, I could not find sufficient time necessary for giving proper reply to important issues raised in the said letter

My visit to Bastar will be possible in April. As such it is requested that another four to six weeks time may be given for furnishing the explanation.

Dr. Brahma Dev Sharma
Director, Public Instruction

P.S, I have not been able to visit Bastar because of the exigencies of current work and it has not been possible to collect information for a formal reply. Even then I have reconsidered the entire chain of events. It is possible that in some Order, the legal side may not have been fully complied with. But all Orders were passed for protecting the interest of common man. In Law and Order cases, Orders are passed in keeping with the demand of the local situation. *It is my firm conviction that no one has been hurt because of my Orders, nor have the rights of any one jeopardised.* I hope, in the light of above facts, even if there is any short coming, the State Government will kindly close the matter .

B.D.S.

NATIONAL MINERAL DEVELOPMENT CORPORATION LTD.
(A GOVERNMENT OF INDIA UNDERTAKING)
Regd. Office: Mohan Singh place, Irwin Road New Delhi-1

Bailadila Iron Ore Project, Deposit No5
P.O. BHANSI Dist.: Bastar (M.P)

No. D5/14/(3)/71

Date 11th September, 1971

To
The Collector,
District Bastar,
Jagdalpur

Sub: Recovery of 1/3rd of pay of S/Shri.....

Sir,

With reference to your letter No. 350/Steno/71 dt. 5th August 71 on the above subject, I am directed to say that the above mentioned 2 employees of the Project have filled a Civil Suite making the Project Manager as one of the party. Copies of their complaints are sent herewith for your information and necessary action specially in view of the fact that deductions from the salary of these employees have been made in compliance of your orders.

We shall be grateful if we are advised about the stand, if any, to be taken by us in the Civil Court.

Encl: As above

Yours Faithfully,

Sr. Administrative Officer.

**IN THE COURT OF THE CIVIL JUDGE, CLASS II
JAGDALPUR**

Shri.....aged 34 years
son ofCompressor Operator,
N.M.D.C.Bailadila Iron Ore
Ore Project, Deposit No.5,Po: Bhansi.
Tehsil Dantewada, Distt. Bastar (M.P.)

.....Plaintiff.

Versus

(1) The Project Manager, N.M.D.C.
Bailadila. Iron Ore Project, Deposit No.5,
Bhansi, Tehsil Dantewada, Disstt. Bastar.

(2) Mst Sukku w/o not known,
daughter of Neendum of Molasnar, aged 24 years
at present Resident of
Adivasi Girls Training School,
near Railway Colony,
Kirandul, Tehsil Dantewada, Distt. Bastar.

.....Defendants.

Suit for declaration, injunction and arrears of pay valued at Rs. 638.94.
The Plaintiff named above begs to state :-

1)The Plaintiff belongs to Kerala State. He was appointed Compressor Operator in the employment of N.M.D.C. Bailadila Iron Ore project in 1964. The Plaintiff is at present posted at Hilltop of Deposit No.5.

2) On 18.6.71 one Police Constable came with a summon issued by *Adivasi Maha Panchayat* for service on the plaintiff. The Plaintiff was summoned to appear before the *Adivasi Maha Panchayat* Bade Bacheli at 8 AM of the 20th June 1971. The Plaintiff refused to appear before the said Adivasi Maha Panchayat contending that the said Adivasi Maha Panchayat *had no jurisdiction to summon the Plaintiff. The Adivasi Maha Panchayat is not a legally constituted Panchayat under any enactment. It is a voluntary association of certain adivasis to exercise self-sought power.*

3) In the morning of 20.6.71 at about 6.45 a.m. a Naib Tahsildar of Dantewada Tehsil with a Police Head Constable and two Police

Constables holding iron handcuffs came to the Plaintiff and asked the Plaintiff to go with them to Bade Bacheli. The Naib Tahsildar and the Police staff threatened the Plaintiff to handcuff, in case he refused to accompany them. The Naib Tahsildar and the Police staff had a jeep car. They boarded the Plaintiff in said jeep car. The N.T. and the Police staff produced the Plaintiff at Bade Bacheli before Dr. Brahma Deo Sharma, Collector Bastar. The Collector viewed the Plaintiff with a despised look. The Collector took the Plaintiff to a place where the members of the Adivasi Maha Panchayat were sitting. The Collector then sent the Naib Tahsildar Dantewada in jeep to call the "pekky," i.e. Adivasi Girl. The Naib Tahsildar brought a girl by name Sukku d/o Neendum of Village Molasnar. The Collector asked the Plaintiff to marry Mst. Sukku. The Plaintiff replied that he was already married and leading family life with his wife and other members of his family. The Plaintiff did not like to accept the onerous gift. The Collector then asked Mst Sukku to marry the Plaintiff. She refused to marry the Plaintiff. The Collector then questioned Mst. Sukku what she wanted Mst. Sukku replied that She wanted "Paisa," i.e., money.

4) The Collector then asked the Plaintiff to pay 1/3rd of his pay to Mst. Sukku every month. The Plaintiff refused. The Collector threatened the Plaintiff that he (Plaintiff) would be corporally punished and he would also be sent to Jail if the Plaintiff did not agree to pay 1/3rd of his salary to Mst. Sukku.

5) At the time the Collector asked the Plaintiff to pay 1/3rd salary every month to Sukku, good number of NMDC employees had been produced before the Collector and the Adivasi Maha Panchayat. Those men (employees of NMDC) who did not agree to marry Adivasi damsels were slapped and given threats of putting them in Jail. Being too much terrified by the threats of the Collector, *the Plaintiff had to sign a paper dictated by the Collector and one tall and lean correspondent.*

6) Salary of the Plaintiff of the month of June 1971 fell due on 1.7.71. The pay clerk on or about 1.7.71 came to the Plaintiff and ascertained from the Plaintiff if he was willing to part with 1/3rd of his salary every month for payment to Ms. Sukku for her maintenance. The Plaintiff refused. The Plaintiff made a written protest to the Project Manager, Deposit No. 5 Iron Ore Project, Bailadila. The Administrative officer Bailadila Iron Ore Project, Deposit No. 5 by No. SAO/D5/3040 dated 16.7.1971 informed the Plaintiff that the Project would de-

duct 1/3rd salary of the Plaintiff every month for payment to Sukku d/o Neendum, Village Molasnar for her maintenance as per Order of the District Magistrate. It was contended by the District Magistrate in the Order issued to the Project Manger that the Plaintiff gave an Affidavit before the District Magistrate on 20.6.1971 for deduction of his 1/3rd salary for payment to Sukku.

7) The Plaintiff is a Keralite. *He does not know to read and write Hindi.* The Collector forced the Plaintiff to sign a paper scribed in Hindi. Signature of the Plaintiff was not voluntary but obtained under the threat of 'marpit' and putting the Plaintiff in jail. The Plaintiff thus signed the paper under coercion. The paper has no legal effect. The Plaintiff cannot say if the said paper is the alleged Affidavit.

8) Assuming, though not admitting, that the Plaintiff swore an Affidavit before the Collector, the said Affidavit is no piece of evidence against the Plaintiff. Evidence on Affidavit may be filed in a Criminal Court if the evidence is only of a formal character. There was no criminal case against Plaintiff in any Court. The alleged Affidavit was never filed in any Court. If the Collector or the District Magistrate obtained the Plaintiff's signature on any paper, not written in the hand of the Plaintiff, it can never be said that the Plaintiff filed the said paper in the Court of the District Magistrate, Bastar District in proof of any case.

9) There was no case against the Plaintiff for agreeing to pay monthly maintenance allowance to Sukku. If the Collector *bana fide* felt that Sukku deserved maintenance allowance, the Collector *should have sanctioned legal aid for Sukku to put her case in the competent Court or Courts constituted in the Bastar District and assigned the said type of work under distribution memo issued by the District Magistrate or the District Judge.* The procedure adopted by the Collector or the District Magistrate was hasty and amounted to abuse of the process of Law Court.

10) The Collector or the District Magistrate had no jurisdiction to forward a copy of the alleged Affidavit with direction to the Project Manger, NMDC, Dep. No. 5 Bhansi to deduct 1/3rd salary of the Plaintiff every month and pay the same to Sukku. This direction or Order passed by the Distt. Magistrate is *ultra vires*. The Order directing deduction and payment to Sukku is void and inoperative.

11) The Defendant No. 1 was under contractual obligation to pay the Plaintiff full salary on 1.7.71 for the services rendered by the Plaintiff in the month of June 71. The defendant No. 1 has committed

forturous act in withholding 1/3rd salary of the Plaintiff for payment to Sukku on the basis of the void and illegal Order of the Distt. Magistrate. The Defendant No. 1 should have taken no cognizance of the illegal order the Distt. Magistrate. The Defendant No. 1 needs to be restrained from deducting or withholding one third of the Plaintiff's salary every month and hence permanent injunction restraining the Defendant No. 1 from deducting Plaintiff's 1/3 salary would be expedient to save the Plaintiff of starting multiple judicial proceedings.

12) In case of recovery of maintenance amount granted by Criminal Court, the execution of the Order for deduction out of salary of the person liable to pay cannot be done by the District Magistrate. The District Magistrate is required to send the recovery proceedings to Civil Court for issue of necessary process. In this aspect of the case, the Defendant No. 1 should not have treated the Order of the District Magistrate as a valid attachment order.

13) The Plaintiff objected to the Order of deduction of 1/3rd salary and protested before the Defendant No. 1 that the Order of the Distt. Magistrate directing 1/3rd pay is void & illegal. The Plaintiff claimed his salary in full. The Defendant wanted to pay the Plaintiff only 2/3rd of his salary and to deduct 1/3rd as ordered by the Distt. Magistrate. The Plaintiff refused to accept 2/3 of his salary unless the whole salary was given to him.

14) As the Order of the Dist. Magistrate ordering deduction of Plaintiff's salary 1/3rd every month is without jurisdiction, it is wholly void and inoperative. The Defendant No. 1's action in withholding the 1/3rd salary every month is without jurisdiction. It is wholly void and inoperative. The Defendant No. 1 has no right to withhold the salary unless there be a valid Order of attachment issued by the Competent Court.

15) The Plaintiff has got right to seek redress in a Court of Law. The cause of action for declaration that the Order of the Distt. Magistrate issued to the Defendant No. 1 directing deduction of Plaintiff's salary arose at Jagdalpur on or about 20th June '71. Cause of action against the Defendant No. 1's action in withholding 1/3rd salary arose on 1.7.71 and 1.8.71 at Bhansi.

16) The Head Quarter and the Office of the District Magistrate Bastar is at Jagdalpur. Cause of action to declare the Order of the District Magistrate as without jurisdiction, void and inoperative arose at Jagdalpur from which place the order was issued or deemed to have

been issued. For wrongful act of the Defendant No. 1 in withholding the 1/3rd salary of the Plaintiff, the cause of action arose at Bhansi, Dantewada Tehsil on 1.7.'71 & 1.8.'71. As part of cause of action of this suit arose within the jurisdiction of the Hon'ble Court, the Hon'ble Court has got jurisdiction to try the suit.

17) The Plaintiff claims declaration that the Order of the Distt. Magistrate directing the Defendant No. 1 to deduct 1/3 salary of the Plaintiff every month and pay to Sukku d/o Neendum is without jurisdiction, void and inoperative and not binding on the Defendant No. 1 or the Plaintiff. As consequential relief to declaration, the Plaintiff claims perpetual injunction restraining the Defendant No. 1 from deducting 1/3rd salary of the Plaintiff and payment of the deducted salary to the Plaintiff.

18) The Plaintiff values the suit for the purpose of jurisdiction and court fees as below:-

- i) For declaration the jurisdiction is valued at RS. 300/- and fixed court fees of Rs. 30/- is affixed.
- ii) For injunction the suit is valued at Rs. 100/- and court fees of Rs. 10/- under S 7 (iv) (d) of the Court Fees Act is affixed.
- iii) For salary withheld for the month of June Rs. 199.47 for July 199.47, i.e., 1/3rd salary being deducted. Total deduction Rs. 238.94 court fee worth Rs. 24/- is affixed. Total value for jurisdiction is Rs. 638.94 and total Court fee paid is Rs. 64.00.
- iv) The suit is not based on any document but the Plaintiff files the letter dated 16.7.'71 issued by the Defendant No. 1 of the intention to deduct 1/3rd Plaintiff's salary every month.

The Plaintiff claims:

- i) It be declared that the Order of the District Magistrate directing deduction of Plaintiff's salary 1/3rd for payment to Sukku every month is without jurisdiction, null, void and inoperative.
- ii) Perpetual injunction restraining the Defendant No. 1 from deducting 1/3rd of the Plaintiff's salary every month for payment to Sukku
- iii) Decree for Rs. 238.94 the 1/3rd salary for June' 71 and July' 71 withheld for deduction.
- iv) Any other relief the Court may deem proper.

Sd/-
Plaintiff
3.8.1971

**IN THE COURT OF THE CIVIL JUDGE, CLASS II
JAGDALPUR**

Shri

Son ofaged 29 years.

Asstt. Store Keeper, Bailadila Iron

Project, Tehsil Dantewada, Dist: Bastar (M.P.)

.....Plaintiff.

Versus

1) Project Manager, NMDC Bailadila
Iron Ore Project, Deposit No. 5
Post Bhansi, Tehsil Dantewada.

2) Mst. Pakli w/o not known,
D/o Pandu resident of Village Molasnar,
at present residing
Near Railway Colony, Adivasi Girls
Training Center, Kirandul,
Tehsil Dantewada, Distt. Bastar.

.....defendant

Suit for declaration and injunction valued at Rs. 300/- for
declaration and Rs. 100/- for injunction total Rs. 400/-

The Plaintiff named above begs to state:-

- 1) The Plaintiff is resident of Kerala State. He was employed by the N.M.D.C. Bailadila Iron Ore project at Deposit No. in 1965. At present the Plaintiff is posted as Asstt. Store Keeper in Deposit No.5.
- 2) In the month of June 1971 presumably in the first week, a police Constable came with a summon and served on the Plaintiff. The Plaintiff was summoned to attend the meeting of the *Adivasi Maha Panchayat* at Bade Kameli at 8 a.m. of 13th June, 1971.
- 3) Besides the Plaintiff some more employees of the Bailadila Iron Ore were also summoned to attend the meeting of the *Adivasi Maha Panchayat* on 13.6.71.
- 4) The Plaintiff with some of his colleagues who had been served with summons wanted to take legal advice at Jagdalpur and hence they started from Bhansi by bus for Jagdalpur in the morning of 12.6.71. When the bus reached Dantewada, the S.D.M. Dantewada and

- Sri Tiwari, Sub Inspector Police, Dantewada asked the Plaintiff and his colleagues to come down. The S.D.M. and Sri Tiwari, Sub Inspector Police then put the Plaintiff and his colleagues in the police lockup at Dantewada Police Station.
- 5) The Naib Tahsildar Dantewada and Tiwari Sub Inspector with ten to fifteen police constables escorted the Plaintiff and his colleagues to Bade Kameli in the morning of 13.6.71 and produced the Plaintiff and his colleagues before the Adivasi Maha Panchayat. The Collector Bastar was also present there.
 - 6) The Naib Tahsildar, the Police Inspector and some members of the Adivasi Maha Panchayat questioned the Plaintiff if the Plaintiff had kept the Defendant No. 2 as his mistress. The Plaintiff denied. The Naib Tahsildar, police Sub Inspector and some members of the Adivasi Maha Panchayat asked the Plaintiff to sign a paper typed by Sri Samuel, Reader to S.D.M. Dantewada. The paper had already been typed. The Plaintiff refused to sign. The Naib Tahsildar, Police Sub-Inspector and members of the Adivasi Panchayat then shouted that the Plaintiff should be beaten. Some body slapped the Plaintiff. The Plaintiff was in police custody since 12.6.71. The Plaintiff apprehended danger to his life. The Plaintiff was compelled to sign the typed paper without reading it. The Naib Tahsildar told the Plaintiff that he would be required to pay 1/3rd of his salary to the Defendant every month. The Plaintiff was then left off.
 - 7) The Plaintiff, on return back to Deposit No.5, put up this protest against the action of the Revenue officers, police and the *Adivasi Maha Panchayat* to the Project Manager.
 - 8) On 1.7.71 the Plaintiff approached the pay office for receiving his salary. The Plaintiff was informed in the office that by Order of the District Magistrate, 1/3rd of salary of the Plaintiff would be deducted and paid to the Defendant No. 2 every month as maintenance. Under protest the Plaintiff did not receive his salary as only 2/3rd of the salary was to be paid to him.
 - 9) The Senior Administrative Officer, Bailadila Iron Ore Project, Deposit No. 5 sent Memorandum No. SAO/D5/14(3)3050/71 dated 16.7.71 intimating that the Plaintiff had given an Affidavit before the District Magistrate on 13.6.71 agreeing to deduction of 1/3rd of his salary every month for payment as maintenance to the Defendant No. 2 and the District Magistrate had ordered deduction of 1/3rd salary of the Plaintiff every month for payment to the Defendant No 2.

- 10) The Plaintiff does not admit that the Plaintiff agreed to deduction of 1/3rd of his salary every month for payment to Defendant No. 2. The Plaintiff does not admit that he filed any Affidavit before the District Magistrate. The Plaintiff did not swear any Affidavit before the Collector or the District Magistrate. The Tahsildar and the Police Sub-Inspector and member of the Adivasi Maha Panchayat forced the Plaintiff to sign the typed paper. Signature of the Plaintiff was obtained under coercion. *That paper has no legal effect.*
- 11) As the Plaintiff did not product any paper, application or an Affidavit before the District Magistrate, the District Magistrate had no Jurisdiction to start any action on the paper signed by the Plaintiff at the threat of the Naib Tahsildar, police and members of the Adivasi Maha Panchayat.
- 12) The District Magistrate had no Jurisdiction to direct deduction of 1/3rd salary of the Plaintiff every month for payment to the Defendant No 2 as maintenance. There was no case in the Court of the District Magistrate, Bastar. The Order issued by the District Magistrate is not in the his judicial capacity. Unless there be a valid attachment Order issued by a Competent Court, neither the Defendant No.1 nor the Plaintiff is bound by the Order issued by the District Magistrate or deduction of Plaintiff's pay for payment to Defendant No.2 every month. *In case salary is to be attached, that has to be attached through legal attachment Order.* The Order of the District Magistrate directing deductions of Plaintiff's salary, 1/3rd every month, is without jurisdiction, void and inoperative.
- 13) There is no liability of the Plaintiff to pay monthly maintenance to the Defendant No.2. There was no case before the District Magistrate for payment of maintenance. The District Magistrate had no power to use jurisdiction and pass the impugned order.
- 14) The Plaintiff is entitled to full salary and any attempt by the Defendant. No.1 to deduct salary of the Plaintiff without an attachment Order *would amount to depriving the Plaintiff of his property without due course of law.* The Defendant No 1 would be liable to compensate the Plaintiff for wrongful deductions, if done so by the Defendant No. 1. In purporting to deduct salary 1/3rd every month the *Defendant No.1. commits breach of obligation of the contract of employee of service.*
- 15) *The Plaintiff claims declaration that the Order of the District*

Magistrate issued to the Defendant No.1 directing deduction out of salary of the Plaintiff to the extent of 1/3rd and payment of the deducted amount to the Defendant No.2 every month as maintenance is without jurisdiction, null, void and inoperative. The Plaintiff also claims injunctions against the Defendant No.1 restraining the Defendant No.1 from deducting the Plaintiff's salary to the extent of 1/3rd every month for payment to the Defendant No.2.

- 16) *Cause of action* for declaration of the Order of District Magistrate as null, void and inoperative arose on or about the 13th June, at Jagdalpur where the Order was issued or deemed to have been issued from the Office of the District Magistrate at Jagdalpur. The cause of action for injunction against the Defendant No. 1 purported to deduct the 1/3rd salary, arose at Deposit No.5, P.O. Bhansi. The Plaintiff has got the option to institute this suit at Jagdalpur where part of cause of action arose, or at Dantewada within the Court's Jurisdiction, where also part of cause arose. The Plaintiff opts to sue at Jagdalpur and institutes the suit in the Hon'ble Court which has got jurisdiction to try the suit.
- 17) *The Plaintiff values the suit for declaration at Rs.300/- and affixes court fee stamp of Rs. 30/- For injunction the Plaintiff values the suit at Rs. 100/- and affixes court fee stamp worth Rs.10/- Total valuation for jurisdiction Rs.400 and total court fees paid Rs. 40.00 Pecuniary value of the suit for jurisdiction is Rs. 400.00.*
- 18) The suit is not based on any document but the Plaintiff files memorandum issued by the Administrative Office of the Bailadila Iron Ore Project Deposit No .5 in support of the case.

The Plaintiff claims:-

- i) It be declared that the Order of the District Magistrate directing deduction of Plaintiff's salary 1/3rd every month issued to the Project Manager, Bailadila Iron Ore Project, Deposit No.5 is without jurisdiction, void and inoperative.
- ii) Injunction perpetual be issued to the Defendant No.1 from deducting the Plaintiff's 1/3rd salary every month for payment to the Defendant No.2.

Sd/-
PLAINTIFF
9.8.71.

Glossary of Local Terms and Notes

1. **Adivasi** - *Original inhabitants*; a term used for tribal people
2. **Anna** - *An old denomination of coin equivalent to one-sixteenth of a rupee*; the term '*four-annas*' generally used contemptuously to indicate a person of no worth.
3. **Avatar-Incarnation**
4. **Ashram Sabha** - *Residential School*
5. **Baba** - *Grandfather*; a medicant; a term of respect used for elderly people
6. **Bailadila** - *Shape of ox with a hump*; the hill ranges in Dantewada of Bastar, comprising best iron ore, are locally known as Bailadila ranges because of their appearance like the hump of an ox.
7. **Bhumkal** - *Rebellion*; in Bastar, *Bhumkal* refers to a rebellion against ostensibly progressive measures in 1910, but rejected by the people.
8. **Bison** - *Wild buffalo*; the local tribals in southern-central Bastar are known as bison-horn *marias*. They are known for their ferocity and a powerful dance form with bison-horns used as head-wear by all youth participating, to the accompaniment beat of very large drums, girls participate in a parallel formation in their traditional attire.
9. **Census** - In the first year of every decade, for example, 1981, 1991, 2001,... a house to house head count is conducted by government, in which some basic information about every individual is also collected.
10. **Collector and District Magistrate** - The legal designation of the chief executive of a district. He is responsible for maintaining law and order in the district with the police force as his right arm. He is also an executive magistrate of the District, that is, District Magistrate, with powers to prohibit the people in general, or a group or an individual, in particular, from doing any act which, in his opinion, is likely to disturb peace.
11. **Criminal Procedure Code** - This Code enacted by the British lays down the procedure to be followed in all criminal proceedings. The powers of District Magistrate are defined under this Code.
12. **Deshi** - *indigeneous*
13. **Diggjias** - Four elephants ostensibly supporting the Sky at four corners.
14. **Dushtaraj** - *The doyan amongst the wicked.*
15. **Ghotul** - It is unique institution of youth in parts of Bastar. All unmarried boys and girls of village live in a hut, known as *ghotul*, managing all their affairs according to their customs and tradition with no interference of the elders. It is here that they make love and pair off. The institution has been eulogised by anthropologists as 'The Kingdom of Youth'. The institution

has got greatly *changed*, with the invasion of education and modernity and now survives only in name.

16. **Dudh-lautai - *Return of Milk***; according to the custom amongst Marias, Clan A, in which a girl is married from clan B, is obliged to return milk, that is, marry a girl of its clan in the next generation in Clan B. In practice, the brother of mother or his son, depending on their age, has the first claim to the hand of the daughter. Sometimes the age-differential may be excessive resulting in unhappy and even forced marriages.
17. **Guriji - *a teacher***
18. **Haldi - *Tamarind***
19. **Inculab- *Revolution***
20. **Kanthiwala Baba:** The nickname of Baba Biharidas (see Praveer Chandra Bhanjadev). *Kanthi* is a sacred thread worn around the neck. Baba Biharidas used to give his followers a *kanthi* to wear hence this nickname.
21. **Kngdom of Youth - See *Ghotul***
22. **Kori -*Twenty***; the tribal number system in Bastar is built with *kori* or twenty as the basic unit for counting.
23. **Lali - *Cosmetics used by women as reddening agent of their cheeks.***
24. **Langoti- *Lion cloth.***
25. **Lota - *A spherical utensil for carrying water***; the rural people always carry a *lota* and a long string with them while travelling for drawing water from wells. The phenomenon of acquiring riches in tribal area is figuratively described by giving reference to the status of the forefathers of rich merchants, who, on their arrival, had nothing but a *lota* with them.
26. **Madai - *A festival dedicated to propitiate the local deity in villages***; It is accompanied by night-long dance and merry-making. A chain of such festivals start after harvesting of paddy in mid-January, the only crop in this area, continues till about the beginning of April.
27. **Maha Panchayat - *Grand Assembly of People.***
28. **Mahua - *Flower of mahua tree***; The brew of this flower is used by tribals in Bastar on all occasions from birth to death through feasts, festivals and friendly frolics. A few drops of the brew are put in the mouth of child at birth and also put at the time of death of a person.
29. **Mahaprasad - *'Prasad'* comprises sweets and also food articles distributed to devotees after they have been offered to a deity; mahaprasad is literally grand prasad of Jagannath at Puri which is one of the four dhams, or main centers, of Hindus. The tribal of Bastar have a great regard for mahaprasad.**
30. **Mahila - *Lady.***
31. **Mali - *Gardner.***

32. **Mama** - *Maternal uncle*; outsiders sometimes address tribals as *mama*.
33. **Manjhi** - *A title*; the headman of a group of villages.
34. **Met** - *A Supervisor of a gang of labourers*.
35. **Muria** - Name of a tribe predominant in Bastar, this name has acquired fame after Elvin's classic '*Murias and their Ghotul*'
36. **NMDC** - National Mineral Development Corporation; A Public Sector Undertaking of the Union Government with establishment in Bailadila for excavation of iron ore. Ore deposits in Bailadila ranges have been serially numbered from 1 to 14. Number 14 deposit near Kirandool was the first to be taken up for working. It was followed by No. 5 deposit near Bachheli.
37. **Panchayat** - *A formerly elected body at the village level*; also an informal assembly of people in a village or a larger area for considering any important issue including adjudication of disputes.
38. **Pardeshi** - *A person belonging to another area*; a foreigner.
39. **Pargana** - *A traditional territorial unit comprising a group of villages*.
40. **Pargania Maghi** - *A tradition leader at Pargana level*.
41. **Patwari** - A village level key revenue official responsible for maintaining village records having all details about land including name of person in possession, crops harvested and such like.
42. **Pej** - *A liquid preparation of rice*; it is prepared in the evening, kept during the night for moderate fermentation and taken in the morning as break fast before going out.
43. **Peki** - *Unmarried girl(Gondi)* ; outsiders address Muria girls as *peki*.
44. **Pitaji** - *Father*; a word of respect used for elders.
45. **Potli** - *A bundle of cloth*; the village women, and sometimes men, put necessary things in a *potli* while going on journey, a market or visiting relations. Women carry it on their head, men on their shoulders.
46. **Praveer Chandra Bhanjadeo** - The last ruler of Bastar State; The ruler of Bastar is also traditionally the chief priest of Danteshwarimai, the ruling deity of Bastar. Praveer was deposed and Government nominated his brother whom tribals never accepted. They remained ardent followers of Praveer. In the mean time, the people started having taste of dealings with a formal system imposed after independence. The new System had no concern with the traditional rights of people over forests. Similarly all was not well even with land management. The simmering discontent amongst tribal and their loyalty to Praveer was ironically construed as a challenge to State's authority. A serious firing at Lohandigonda in 1964 followed by ruthless use of force in 1966 in the palace premises at Jagdalpur. Praveer along with a number of followers was killed.

The simple tribals believed that their king had magical powers. He could

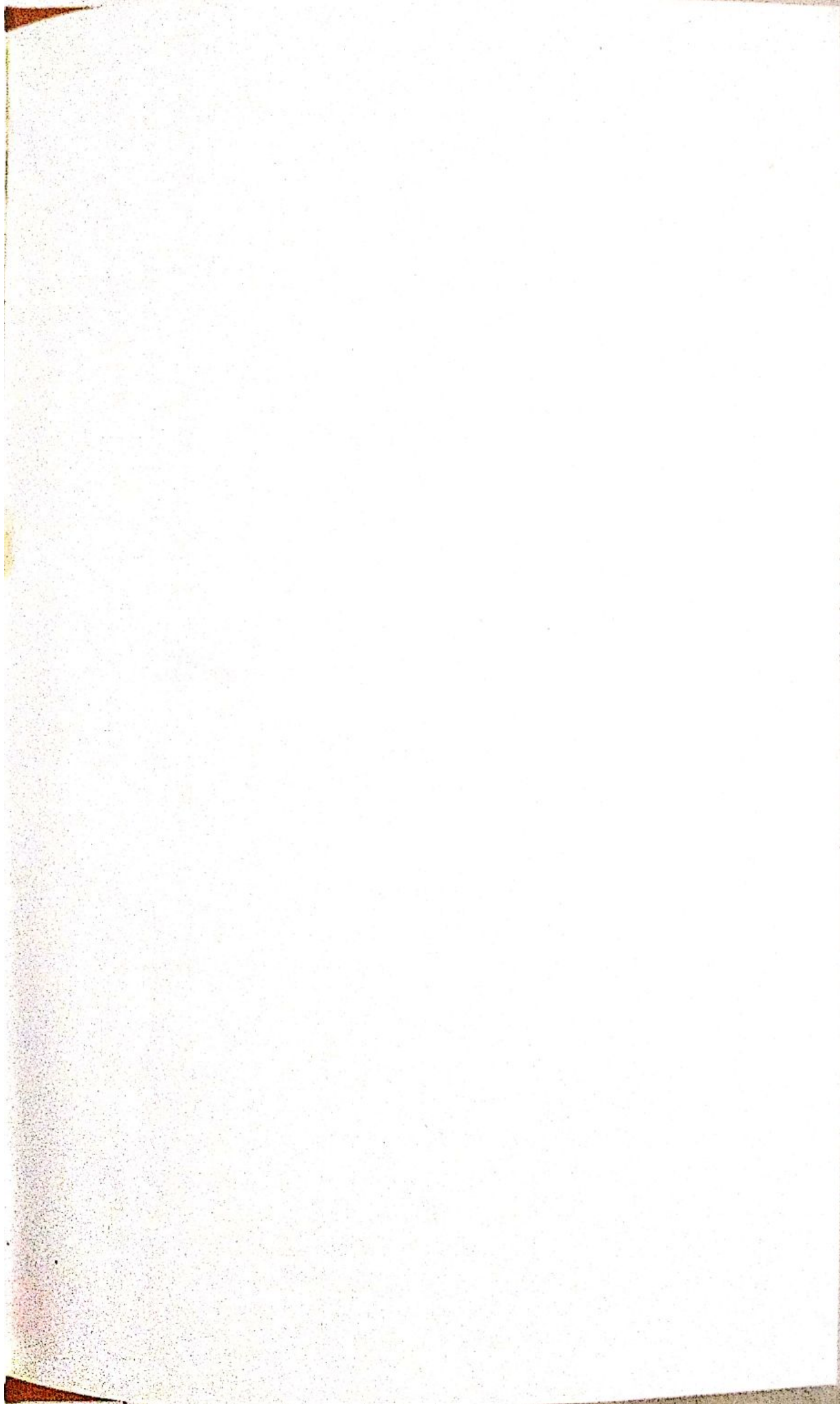
turn a bullet into water. They were mistakenly reassured about these powers when tear-gas shells, fired by the police in the beginning, believed to be real firing by tribals, yielded only smoke. Even though the last rites of Praveer were performed, a rumour went round that Praveer was not killed but he had gone into hiding to reappear at an opportune moment. Baba Bihari Das, a roaming monk, was one of his many imposters. The people in particular believed this Baba to be Praveer in disguise. The Baba was asked by the D.M. to go out of the district, because he was emerging as a center of authority on contrived myth. This move was not liked by politicians out to use that myth for electoral gains. The politicians chose to transfer the Collector. After Collector's exit Baba moved in and paid rich electoral dividends.

47. **Raj** - The period of British Rule in India.
48. **Saga** - The people belonging to clans with permissible marital relations.
49. **Sari** - A long apparel worn by women in India.
50. **Sal** - A versatile tree, highly revered grows naturally in Bastar.
51. **Sanyukta Khadan Mazdoor Sangh**: A trade union of mine workers.
52. **Scheduled Areas** - Predominantly Tribal Areas are scheduled under the India Constitution. The State is responsible for their administration subject to directions, if any, of the Union. It also envisages framing of necessary regulations for protection of tribal people.
53. **Section 144** - A provision in Cr. P.C., This section empowers the D.M. or the SDM, as the case may be, to issue prohibitory orders.
54. **Swayambhu**: *Self-created*.
55. **S.D.M** - Sub-Divisional Magistrate has the same powers as the D.M. in respect of the Sub-Division of the district under his jurisdiction.
56. **Thanagudi** - A hut usually set up outside the village for visiting officials.
57. **Tehsil** - A unit of revenue administration below the district level.
58. **Thali** - A plate like utensil used for food and also for worship.
59. **Tilak** - A long sign put on the forehead with coloured powder and rice as a symbol of reverence.
60. **Tangia** - *Axe*; it is always carried by tribals when they go out particularly in a forest.
61. **Vaideh Puzzle**: Videh was a great philosopher king. Once he dreamt that he was a beggar. In the Council of Wisemen, he posed the legendary puzzle whether he was a king or a beggar?
62. **Videshi** - *Foreign*
63. **X-Section** - A Section in the General Administration Department of State Government, dealing with top secret matters of the State.
64. **Yogiraj** - *A title*; the doyan amongst spiritual greats.

IMPORTANT REFERENCE BOOKS

1. **Tribal Affairs in India -The Crucial Transition.** pp 512, 2001, Rs.500
(This is the first authoritative work about the ideals set out in the Constitution for tribal affairs and the rather dismal performance in the field. The relevant international conventions, the historic Judgment of the Supreme Court and the lists of the Scheduled Tribes and Scheduled Areas are also reproduced for handy reference.)
2. **Tribal Development-The Concept and the Frame** pp 196, 2003, Rs. 100/-
(Essays on different facets of tribal development which formed the basis of the current tribal sub-plan strategy)
3. **Planning For Tribal Development**
(Essays on different aspects of planning for tribal development including a discussion on preparation of projects, financial provisions et al)
4. **Forest Lands-Tribal's Struggle for Survival** pp. 144, 2003, Rs. 50/
(A critical review of forest policy as also 1990 GOI policy on dispute resolution.)
5. **Shifting Cultivators & Their Development** pp 112, 2003, Rs. 40/-
(A critical analysis of the present state of Jhum with a workable model for change)
6. **Mineral Resources and The Community** pp 48, 2003, Rs. 20/-
(The question of command of community over mineral resources is examined and a paradigm for equitable development is presented)
7. **Globalisation-The Tribal Encounter** pp. 144, 1995, Rs. 195/
(A collection of essays having bearing on globalisation in tribal areas.)
8. **Dalits Betrayed** (Second Edition) pp. 216, 2000, Rs. 295/
(The full text of Report of the Commissioner for SC&ST (28th) with a detailed description of the follow-up action and Introduction by Dr. Upendra Baxi)
9. **A Letter to the President** pp. 48, 1999, Rs. 25/
(Covering letter of the Commissioner, giving a birds eye view of tribal situation.)
10. **Whither Tribal Areas?** Second Edition pp. 120, 1996, Rs. 125/,
(The book includes the First Report of Bhuria Committee on Panchayats in tribal Areas.)
11. **Taming the Transition in Scheduled Areas,** pp. 112, 2001, Rs. 30
(The Second Bhuria Committee on urban bodies with a detailed-commentary. The crucial issues dealt with here relate to community ownership over industry.)
12. **Tide Turned** pp 44, 1997 Rs. 15/
(Commentary on the Provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996, (the Extension Act) acclaimed as the most radical law of 20th century.)
13. **Ministers Muddle as People Assert** pp. 44, 1997, Rs. 10/
(The initial reaction of the Establishment after the Extension Act was passed)

14. **The Rise of Little Republics** pp. 26, 1997, Rs. 12/-
(The assertion by people after the enactment of the Extension Act.)
15. **Self-rule Laws - M.P.** pp. 90, 1998, Rs. 100/H. 40/P.
(The text of relevant laws, in Scheduled Areas with an extensive commentary)
16. **Self-Rule Laws - Orissa** pp. 64, 1998 Rs. 30/
(The text of relevant law in Scheduled Areas with an extensive commentary)
17. **The Besieged** - pp 144, 2002, Rs. 20/-
(A narration of criminal offences, dereliction of duties and subversion of democracy in the name of development by senior officers in Bastar of Chhattisgarh)
18. **The Web of Poverty** (Updated Edition 1996) pp. xxxiv +400, Rs. 295/
(A critical analysis of the social-economic situation from people's end on the premise that poor are not poor, but deprived. A source book for people's struggles for community empowerment and structural transformation from centralised to non-centralised polity.)
19. **Catastrophic Development**, pp. 60, 1998, Rs. 15/
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20. **The People Versus the System**, pp. 74, 1998, Rs. 20/
(A critical analysis of the present situation as people are pitched against the State)
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(The book traces the history of village self-governance in India particularly the discussion after independence with extensive extracts from the Constituent Assembly debates.)
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(The book exposes the conspiracy against farmers by credit Institutions and Govt.)
24. **Can We Afford to Drink?** pp. 136, 2000, Rs. 150/
(A critical analysis of the various aspects of use of intoxicants and excise policy in the country.)
25. **Seven Open Questions** pp. 50, 1999, Rs. 8/
(Basic questions posed before all political parties during general elections 1999, which will agitate the people till present imperialist system continues)
26. **'Where Do We, the People of Village-India Stand?' as Perceived by Our Political Parties** pp. 34, 1999, Rs. 8/
(An analysis of election manifestoes of 1999 Lok-Sabha on behalf of Village Republics)



About the Author:

Dr. B. D. Sharma is an authority on tribal affairs in the country. His concern for the tribal people began in Bastar, the largest tribal tract of the country where he was posted as Collector and District Magistrate. While serving in the Central Government and also State Government, he was responsible of formulation of tribal policies particularly what is known as sub-plan strategy. He was also instrumental in bringing back the Fifth Schedule, as the vital instrument of policy for the very survival of the tribal people, on the national agenda.

Dr. Sharma joined the IAS in 1956. He resigned from the same in 1981 when differences arose on vital issues of policy. Nevertheless he became Vice Chancellor of North Eastern Hill University (1981-1986), covering some of the most enchanting tribal regions comprising Nagaland, Mizoram and Meghalaya. He occupied the highest Constitutional position concerning tribal people, as the last Commissioner for Scheduled Castes and Scheduled Tribes during 1986-91. There after the National Commission was constituted. His reports to the President are a landmark, the 28th being described as 'next in historical significance only to the Constitution of India'.

Ever since 1991, Dr. Sharma is with the tribal people and participating as an activist in their struggles. The law concerning tribal self-governance, which acknowledges the competence of the village community to manage all its affairs according to its customs and tradition, is the most-significant achievement of the movement. The idea is of universal significance. It is spreading to the general areas in the country as well. It is bound to become a global phenomenon, particularly in the developing nations.

Dr. Sharma has written extensively on the issue of change. His writings in Hindi and their translations have become proud possessions of every tribal household. He is basically a student of mathematics with doctorate in the same subject. *The Web of Poverty*, *50 Years of Anti-Panchayat Raj*, *Dalits Betrayed*, *Tribal Development- the Concept and the Frame*, *Planning for Tribal development*, *Can we afford to Drink?* are some of the major works of reference.

OFFICE OF
THE COLLECTOR & DISTRICT MAGISTRATE,
BASTAR DISTRICT

Dated, Jagdalpur, Camp Kirandul, 20th April, 1971

Order

A recent survey in Dantewara Tahsil regarding the impact of the new industrial activity in the region has brought to light that a number of girls are away from their villages, whose whereabouts are not known. **The Survey has also brought to light that a large number of girls have been seduced by undesirable elements who have lived with them for some time and left them without even giving their true names and addresses. The girls have children from these persons, left to fend for themselves and many of them are now out-cast in their own community.** The situation has reached a point where an emotionally surcharged atmosphere prevails in this area and it may result in unhappy incidents and ultimately in disruption of peace and order. It is, therefore, expedient and necessary that effective steps are taken so that the law and order is maintained and the unlawful elements are brought to book as also the girls, who and whose gurdians are different, are given due lawful protection.

- 1. No single individual living in the Bailadila Complex shall employ as a domestic servant an unmarried girl below the age of 25 years without prior approval of an officer designated for this purpose.**
2. All those who are living with the local girls as man and woman shall give full particulars about themselves and the respective girls to the S.D.M. Dantewara in writing within 15 days of the issue of this Order and also a proof to the effect that they have been married in accordance with the rites of either party to the marriage contract accompanied by an affidavit to the same effect.
3. Any individual or private establishment employing a single girl below the age of 25 years, who is not working in a group of her relations or fellow villagers, shall give full particulars of the girls engaged, including particulars of her residence etc. to the SDM.

Sd/- Dr. B.D.Sharma
(Collector & District Magistrate)